GREAT SEAL OF THE TERRITORY OF MICHIGAN.
E PLURIBUS UNUM
TANDEM FIT SURCULUS
ARBOR

MICHIGAN AS A TERRITORY

FROM ITS INCORPORATION AS PART OF THE NORTHWEST TERRITORY TO ITS ORGANIZATION AS A STATE

BY

BYRON M. CUTCHEON

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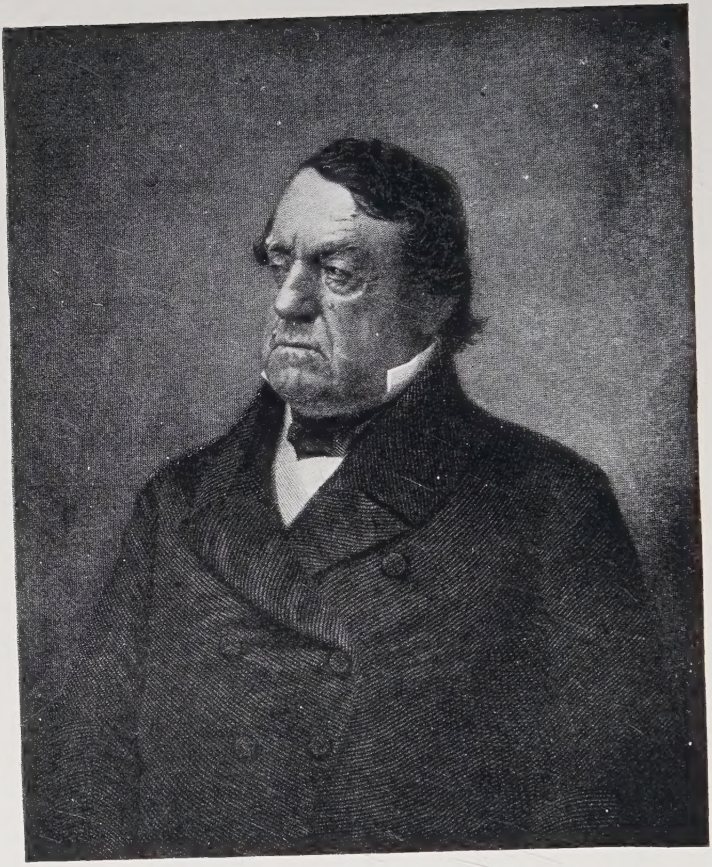

Lewis Cass

MICHIGAN

As a Province, Territory and State, the Twenty-Sixth Member of the Federal Union

BY

HENRY M. UTLEY BYRON M. CUTCHEON

Advisory Editor

CLARENCE M. BURTON

VOLUME TWO

Si quæris peninsulam amœnam circumspice

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PREFACE

THIS History of "Michigan as a Territory" makes no claim to any new discovery of materials of history.

It is a compilation of material derived from many sources, but never before brought together in its present form. The sources have been to a large extent the public official documents of the state and nation, which are open to all. As the territory was at all times subject to Federal legislation, careful search has been made throughout the "Annals of Congress" and the "Debates of Congress" covering the territorial period, to collate such legislation as seemed to directly affect the territory. The "American State Papers" have also been freely drawn upon for treaties—especially treaties with the Indians.

The first period, from 1783 to 1796, is emphatically a period of *Treaties* and *Ordinances,* connected with the great northwest, out of which Michigan was carved.

The references appended to the text will show what sources have been drawn upon, but the writer would here acknowledge his indebtedness to "The Old Northwest," by Professor A. B. Hinsdale, L. L. D., formerly of the University of Michigan; "The Northwest Under Three Flags" by Charles Moore, Ph. D., of Detroit; "Ohio, The First Fruits of the Ordinance of 1787" by Rufus King, in the American Commonwealth series: "The Diaries and Correspondence of Manasseh Cutler"; "The Legislative History of the Ordinance of 1787," by John M. Merriam, A. M., of the American Anti-

quarian Society; and the "Ordinance of 1787" by William F. Poole, L. L. D., formerly Librarian of the Newberry Library of Chicago, and the official documents before referred to.

For much of the material relative to conditions and events near the close of the eighteen century, the compiler acknowledges his indebtedness to a collection of documents published in connection with the "Centennial Celebration of the Evacuation of Detroit," 1896, and other monographs on Detroit, in the Detroit Public Library. For the war period, 1812-1815, the compiler has drawn from Hildreth's History of the United States, Lossing's "Field Book of the War of 1812," McLaughlin's "Life of Lewis Cass," Jackson's "Life of William H. Harrison," Drake's "Life of Tecumseh and his Brother," The Life of General William Hull, "Hull's Defense Before the Court Martial," and numerous other works on that period.

The history of the Boundary Dispute with Ohio, and the Battle for Admission to the Union has been drawn almost wholly from public documents in the Congressional Library at Washington, and the State Library at Lansing, Michigan, especially the Debates of Congress and "The Appeal of the Convention." The Histories of Judge Campbell and of Justice Cooley have been carefully examined and collated, but not drawn upon for materials except as indicated by quotation in the text.

The nature of the materials dealt with was not such as to lend itself readily to thrilling narrative or literary elegance; and the purpose has been to bring together

facts, rather than to produce literature. High lights and brilliant colors have been avoided. At the same time it is hoped that a truthful and readable story has been produced, correctly reflecting the life of the territorial period of Michigan.

In conclusion, the compiler desires to express his sense of obligation to *Henry M. Utley,* Librarian of the Public Library of Detroit, to *Raymond C. Davis,* A. M. Librarian of the Universlty of Michigan, *Mary C. Spencer,* Librarian of the Michigan State Library, and to *S. H. Ranck,* Librarian of the Ryerson Public Library of Grand Rapids, for courtesies and favors extended; and last but not least to *Clarence M. Burton,* President of the Michigan Pioneer and Historical Society, for the free use of his unrivalled collection of *Michigania.*

While this second, or territorial epoch, is perhaps less romantic than the first period of discovery, exploration, exploitation and colonization, yet it will be found replete with situations of dramatic character and thrilling interest. The thirteen years' struggle of the English to hold on to the Northwest Posts, in spite of treaty stipulations; the pathetic story of the Moravian Indians of Michigan; the machinations of Brant and Tecumseh to hold the ancient hunting grounds of their tribes and to form a great Indian federation; the massacre of Frenchtown; the surrender of Detroit; the gradual growth of popular government; the long and bitter dispute with Ohio over the interstate boundary; the "Toledo War" and the long, strenuous and finally triumphant struggle

for admission without an enabling act of Congress, all fall within the period, and furnish abundant interest to the narrative.

Nowhere in the world are there such splendid examples of primitive peoples, scattered in the wilderness almost beyond the reach of law or authority, organizing themselves into orderly, progressive, self-governing communities, as in the United States of America; and nowhere in America can be found a more interesting and instructive example than that of Michigan.

Byron M. Cutcheon.

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CHAPTER I

The Treaty of Peace of 1783

THE history of Michigan as a territory of the United States has its origin in the Definitive Treaty of Peace, signed at Paris September 3, 1783.

The Definitive Treaty was identical with the Provisional Treaty of November 30, 1782, with the exception of one article, which had been kept secret at the time of making the Provisional Treaty or Protocol. This secret article related to the southern boundary of the United States on West Florida, and provided that in case England should recover West Florida before the end of the war, the north boundary thereof should be a line drawn from the mouth of the Yazoo river due east to the Appalachicola.

But as England did not recover West Florida, this secret article of the treaty became null.

Therefore, in fact and in effect, the Definitive Treaty was identical with the Provisional Treaty of November 30, 1782, which only awaited the conclusion of peace between Great Britain and France and Spain to become operative. In no event would the secret article affect the northwest with which we are concerned. But a different boundary of the northwest might have left Michigan a part of the British dominion as it had long been a part of New France. In consequence of the treaty of alliance between "His Most Christian Majesty," the King of France, and the United States of North America, signed February 6, 1778, the latter had among other things undertaken and agreed not to conclude a treaty of peace with England until France should also conclude

one. The object of this alliance was declared to be "to maintain effectually the liberty, sovereignty and independence, absolute and unlimited of the said United States, as well in matters of government as of commerce."

It was further mutually agreed that conquests made by the United States to the northward should belong and appertain to them, and conquests made by France of islands in the gulf of Mexico, or in adjacent parts, should appertain to the crown of France; and each guaranteed to the other the respective conquests they might make.

These several stipulations afterward exerted an important influence not only on the negotiations for peace, but on the future territorial possessions of each.

As the treaty of peace constitutes the "origin of distances" for this history, and bears an intimate relation to the subsequent course of events in the northwest, and to Michigan as a part thereof, it will be appropriate, even if not necessary, to give a somewhat full account of its negotiation and provisions.

It will not be needful to the purpose of this discussion to go extensively into the various interests and motives that led to the formation of the treaty as it was ultimately signed.

The two principal and direct parties to the contract were, of course, England and her revolted colonies, now to be known as THE UNITED STATES. By the alliance of 1778, and through the instructions of Congress to her

commissioners, France had also become a necessary third party of assent.

After France had entered into the contest, for the avowed purpose of achieving the absolute "sovereignty and independence" of the United States, finding the task to promise a longer and more formidable struggle than she had anticipated, she made such urgent representations to Spain that in June, 1779, "His Most Catholic Majesty" also declared war against England. It seems unnecessary to say that Spain did not take this step out of any sympathy with the American Declaration of Independence, or to aid the United States "to maintain effectually the liberty, sovereignty and independence, absolute and unlimited of the said United States."

Her prime motive doubtless was the hope of wresting from England the fortress of Gibraltar,—commanding her Mediterranean provinces; and a secondary motive was the purpose of recovering the Floridas, thus consolidating her control of the "American Mediterranean"—the Gulf of Mexico.

France, on the other hand, had not forgotten the bitter lessons on the Plains of Abraham in 1759, or of the humilitating treaty of 1763, by which she was shorn of her beautiful Acadia and New France, from the Labrador to the Lake of the Woods, and from Lake Superior to West Florida; and while doubtless that learned philosopher and astute diplomat, Dr. Franklin, had succeeded in creating in the royal circle at Paris a certain amount of sympathy with the struggling colonies and for the cause in which they were fighting, it is also true

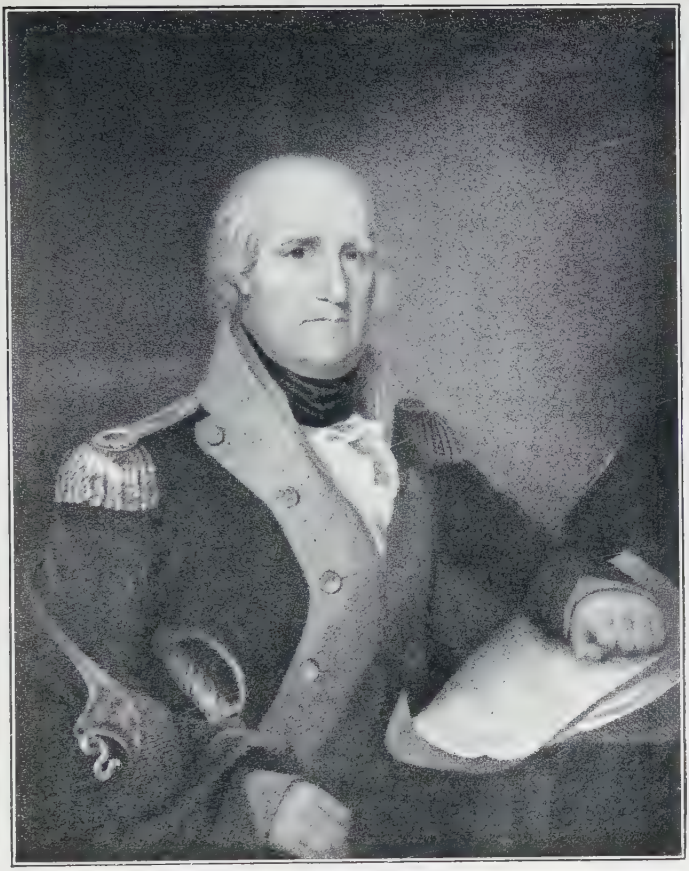
that no revenge would be sweeter to the heart of the French statesmen then at the head of affairs, than to see as much as possible of the territory which she surrendered in 1763 torn away from England and turned over to her rebellious colonies, so to build up on the western shore of the Atlantic a rival English speaking nation to become her competitor in arts, in arms and in trade.

But while France was willing that America should be great enough to be a check on English power, she did not desire to see the young nation too great,—that is, not so great as to be an obstacle to France recovering some part of the vast domain which she had surrendered, in the rich and fecund valley of the Mississippi.*

It would be too long a story to tell of all the negotiations leading up to the treaty.

After the failure of Burgoyne's well planned but most disastrous attempt by an invasion from Canada to cut the United States in twain on the line of Lake Champlain and the Hudson river,resulting in the surrender of his army, and in view of this great military success and of the recently concluded alliance with France, Congress took heart to hope that England would be ready to enter into negotiations for peace and independence; and early in 1779 appointed and commissioned John Adams as commissioner plenipotentiary of the United States, to proceed to Paris, and from that vantage point to open negotiations. His instructions bore date August 14, 1779.

*See Jay to Livingston. 6 Wharton Dip. Cor. 48.



But the English ministry was not yet satisfied that the hour had struck for considering the surrender of her greatest and richest colonial possession, and Adams, finding his mission premature, returned to the United States.

It was near the close of 1779 that Congress sent John Jay of New York, as minister plenipotentiary to the court of Madrid, with instructions to seek to negotiate a treaty of alliance with "His Most Catholic Majesty," similar to that already existing with France. But Count Florida Blanca, prime minister, refused to receive him or recognize him as an envoy.

The great ambition of Spanish statesmen at that time was to hold both banks of the Mississippi as far up as possible, and so control the commerce of that vast and rich valley, as well as of the Gulf of Mexico.

They had doubtless heard of the recent conquests of that stalwart young Virginian, George Rogers Clark, on the Wabash and in the Illinois country; of the rapidly increasing settlements in Kentucky and in the region between the Cumberland and the Alleghany mountains, and had concluded that to give up the region between the Alleghanies and the Mississippi to this aggressive, strenuous and land-hungry race, would be to imperil her own possession in Florida, Louisiana and Texas. At this time Spain was firmly holding all the west bank of the Mississippi, and was in full control of its mouth and of all that part below 31 degrees north latitude. When Clark took Kaskaskia and Cahokia, St. Louis was a Spanish fortified post.

General Galvez, the ambitious young Spanish governor at New Orleans, had captured for his sovereign not only the gulf ports of Mobile and Penascola, but had pushed his conquests up the Mississippi as far as Natchez. How simple a thing, now, to imitate the example of Clark, and by one bold stroke to lay the foundation for a claim to the whole great West!

In pursuance of this ambition, the Spanish Commandant at St. Louis, in the winter of 1780-'81 sent an expedition from that post across the Illinois country and around the head of Lake Michigan to seize old fort St. Joseph established by La Salle, at the mouth of the St. Joseph river, in what is now Berrien County, Michigan. This little, old wooden stockade, used principally as a trader's post with the Pottawattamies, was held by only a coporal's guard of Engilsh soldiers, who were made prisoners and carried away.*

Don Eugenio Purré, the commander of the expedition, displayed the royal banner of Spain in token of conquest, and took formal possession of all the region and of the Illinois country through which he had marched, in the name of the King of Spain. Having done this he marched back again to St. Louis, carrying with him as a trophy the British ensign which he found at the Fort St. Joseph. It is believed that this was the only occasion on which the Spanish "flag of blood and gold" ever waved over the soil of Michigan.

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*Fort St. Joseph, originally built near the mouth of the St. Joseph, had at this time been removed to a point a mile below the site of Niles, Michigan. Moore.

But it is time to return to the negotiations for a treaty of peace.

The currents and counter-currents of the diplomacy will now be better understood. England naturally desired to save as much as possible from the wreck, and at the same time she would like to leave the United States strong enough to oppose an effective barrier to her European rivals and with such territorial extent and such material resources as would insure to England a profitable trade.

Spain desired no less than to control the whole Mississippi Valley.

France wished to curtail the territory and power of her ancient foe, but without building up too formidable a rival in the youthful Republic, and it was her role to play into the hands of Spain in the Mississippi river scheme.

After the surrender of the army of Lord Cornwallis to the allied French and American forces at Yorktown, October 19, 1781, the prospects of peace and independence became decidedly brighter.

Now the Congress returned Adams to Paris, but at the instance of the Count de Vergennes, the French Minister of Foreign Affairs, associated with him as peace commissioners, the venerable Dr. Franklin, already our Minister to France, and the brilliant and masterful John Jay, who for this purpose was recalled from Madrid. To these were also added Thomas Jefferson, then a member of the Continental Congress, and Henry Laurens of South Carolina, who had been president of

Congress and recently appointed Minister plenipotentiary to Holland. But Jefferson at first declined the appointment and remained in America, while Laurens was captured on the high sea by the British while on his way out to Holland, and was shut up in the Tower of London until parolled and exchanged for Lord Cornwallis;* so that when Jay had arrived in Paris from Madrid, in the early summer of 1782, the commission consisted of the same members who ultimately signed the Definitive Treaty of Peace on September 3rd, 1783, Adams, Franklin and Jay.

On leaving Madrid, Mr. Jay had been advised by Count Blanca that Count d' Aranda Spanish ambassador at Paris, was authorized to continue negotiations; but Jay quickly discovered that d'Aranda's idea was to claim for Spain not only the whole of the Mississippi Valley, but also all the country drained directly into the gulf of Mexico, eastward to the sources of the streams flowing into the Atlantic, and all the country drained into the great lakes as far east as the west line of New York.† That ended all negotiations with that power then and for many years thereafter.

This Spanish claim would have seemed simply ridiculous had it not been backed by Count de Vergennes, the French minister of foreign affairs. In fact there was a

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*Laurens arrived in Paris just in time to sign the provisional treaty.

†See Sparks Diplomatic Correspondence of the Revolution Vol. VIII 150-152, Hinsdale 175. Jay to Livingston, Nov. 17, 1782. 6 Wharton 11.

suspicion that the whole scheme was put up by Vergennes.

This suspicion was strengthened when Reyneval, chief secretary to Vergennes, proposed a compromise by which Spain would hold the country from Florida north to the Cumberland and the Ohio, and the United States the country north of the Ohio; and not long after Mr. Reyneval was dispatched by Vergennes on a secret mission to London, to inform Lord Shelburne that France would not sustain America in her claim to the Mississippi Valley.

In this perplexing situation, when their own ally had turned against them, the American commissioners saw no other way out of the difficulty than to disregard their instructions and negotiate with the English Ministry without regard to the consent or concurrence of Vergennes.

It was most fortunate for the American cause that at this time William, Earl of Shelburne, first Marquis of Lansdowne, was prime minister. Both as secretary for the colonies in the Rockingham Cabinet and as prime minister he was governed by the sentiment that he thus expressed: "Reconciliation with America on the noblest terms by the noblest means.*

From this time on, the negotiations progressed rapidly; the two things which were most difficult to agree upon were the boundary of the northwest and some provision for the American loyalists or "Tories."

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*Hinsdale, the Old Northwest, 182. Shelburne was not heartily for independence; but as he saw no escape from it, he did not wish to see France receive all the gratitude or all the trade.

But now that the American commissioners had cut loose from Vergennes, matters moved prosperously until on November 8th, 1782, the British agent, Mr. Strachey, forwarded to the Ministry two proposed lines for the northern boundary of the United States, the one a latitudinal line along the 45th parallel north latitude to its intersection with the Mississippi and the other from the point where the 45th parallel cuts the St. Lawrence river, along that river and the chain of lakes and connecting waters to the Lake of the Woods, and thence west to the head waters of the Mississippi, and down along the middle of that river to latitude 31. The latter was the boundary chosen.

Negotiations were at the same time being carried on between France and England through distinct and separate commissioners. But without waiting for the announcement of a French-English treaty, Dr. Franklin on November 29, 1782, notified Count de Vergennes that the American commissioners had agreed upon articles, and he hoped on the next day to lay a copy before his Excellency.*

When on November 30, 1782, the astute and benevolent old Doctor—he was now 76—laid the treaty before Vergennes, to the astonishment of the latter, the articles were duly *signed*, and the United States of America had already taken their place among the nations of the earth, as an independent and sovereign power, and the scheme of the wiley French diplomat and

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*Hinsdale, Old Northwest 181. 6 Wharton 90.

his Spanish coadjutor to "cabin crib and confine" the young giant had signally failed.*

History has not recorded, so far as we are aware, the precise language of the disappointed and chagrined French minister, but we know he made a scene, and reproached the American commissioners for disregarding their instructions. Europe was astonished at the treaty.

The Shelburne ministry was driven from power and the new ministry, withdrawing Oswald, who had been chiefly instrumental in negotiating it, sent to Paris in his stead David Hartley, who on the 3d of September, 1783, signed the Definitive Treaty without change.

Count D' Aranda wrote to his chief prophesying that the infant republic would yet become a Colossus, which would bring Spain to grief.

The American Congress, while blaming the commissioners for disregarding their instructions, joyfully ratified the treaty with the utmost promptness. According to Article X of the treaty "the solmen ratification of the present treaty, expedited in good and due form, shall be exchanged between the contract parties in the space of six months and sooner if possible, to be computed from the day of signing of the present treaty."

In accordance with this article the Definitive Treaty was duly ratified and confirmed at Annapolis, Maryland, (where Congress was sitting) on January 14, 1784, and on the same day it was "Resolved unanimously—nine states being present—that it be and is hereby earnestly recommended to the legislatures of the respec-

*See note at end of this chapter.

tive states to provide for the restitution of all estates, rights and properties which have been confiscated, belonging to British subjects and also of the estates, rights and properties of persons resident in districts which were in possession of His Britannic Majesty's Arms at any time between the 30th day of November, 1782, and the 14th day of January, 1784."

(Attest) Charles Thompson, Sec'y.

This was in fulfillment of Article V of the treaty, and completed and made it binding upon both parties.

Here, then, ended the long and arduous struggle for "Liberty, Sovereignty and Independence, absolute and unlimited," but it was yet to be nearly thirteen years before Michigan would actually come under the stars and stripes of the United States.

Anyone who will take the trouble to read Jay's dispatch to Livingston (Paris November 17, 1782) will be satisfied that Jay very fully believed that the Count de Vergennes was playing double with the American commissioners. Referring to the memoir of M. de Rayneval (confidential secretary of Vergennes) in regard to the Mississippi country, Jay says:

"The perusal of this memoir convinced me, 1st, that this court [French] would at a peace, oppose our extension to the Mississippi; 2nd, that they would oppose our claim to the free navigation of that river; 3rd, that they would probably support the British claims to all the country above the thirty-first degree of latitude, and certainly to all the country north of the Ohio." (6 Wharton Dip. Rev. Cor. 27). And again in the same letter Jay writes: "So far and in such matters as this court [French] may think it to their interest to support us, they certainly will, but no further, in my opinion. They are interesting in separating us from Great Britain, and on that point we may, I believe, depend upon them; but it is not their interest that we should become a great and formidable people, and therefore they will not help us to become so." (6 Wharton Dip. Rev. Cor. 48).

But it is to be remembered that Jared Sparkes, in a comment on this same letter of Jay, acquits Vergennes of all duplicity, and concludes that "Jay was mistaken both in regard to the aims of the French court and the plans pursued by them to gain their supposed ends." (6 Wharton 50).

But we submit that anyone who will read Rayneval's memoir, in connection with the acts and advice of Minister Vergennes, will find ample reason for thinking Jay justified in reaching the conclusion he did.

And after all is said, two facts remain: First, had the Commissioners accepted the arguments and advice of Rayneval they would have lost the Valley of the Mississippi to Spain; and, Second, had they not entered into separate negotiations, contrary to the wish and plan of Vergennes, there would have been no acknowledgment of Independence, and no provisional treaty, until a general European peace was made, including England, France, Spain and Holland. As long as they followed his counsel, little progress was made; but when they took the matter in their own hands, everything progressed rapidly and prosperously until the treaty was signed. That Vergennes was deeply chagrined cannot be doubted. He had hoped to be able to claim the honor of having made the treaty himself; and it is not strange that he was chagrined at the action of the commissioners.

On the other hand, the four commissioners who signed the treaty, Adams, Franklin, Jay and Laurens, on December 14th, addressed a letter to Livingston, secretary for foreign affairs, in which they say: "We knew this court [France] and Spain to be against our claims to the western country, and having no reason to think that lines more favorable could ever be obtained, we finally agreed to those described in this article." (6 Wharton 132).

CHAPTER II

Cessions of the Western Lands to the United States

THUS, then, as told in the first chapter, Michigan was potentially born as an American Commonwealth. We say *potentially* because it was to be thirteen long years before it would be *actually* transferred to the *de facto* jurisdiction and sovereignty of the United States, and nine years more before it would assume a separate and distinct identity under its own name and with its own boundaries.

And there was yet to be a long and tedious struggle before it would be decided whether it belonged to the *United* States or to one or more of the *individual* states.

At the date of the Treaty of Peace, Michigan, so far as white people were concerned, consisted of one French village, Detroit, (to which had been added a few dozen Scotch and Irish in the twenty years of British occupancy,) protected by a small fort called by the English Fort Lernoult; another small fort and hamlet on the island of Mackinac; (or Michilimackinac), and a still less important fort and trading post at Sault Ste. Marie, in modern years called in railroad nomenclature "The Soo."

All the rest and remainder was unbroken wilderness, inhabited by a few thousands of Ottawa, Chippewa, Wyandot and and Pottawatamie Indians, and subject to occasional incursions by the Wyandots, Delawares and Shawanees on the south, and sometimes of the Hurons on the north and east.*

*The Wyandots and Hurons were of the same stock, the Ouendats. Those who removed to the peninsula of Michigan seem to be known as Wyandots. Those who remained in Canada, as Hurons.

At and after the making of the Treaty of Peace, the Northwest, of which Michigan was part and parcel, was covered by three distinct classes of claims.

1. The claim of the aboriginal tribes, as the original claimants and occupants of the soil from time immemorial. This title had to be reckoned with at the peril of savage warfare and with the alternative of the tomahawk and the scalping knife.

2. The claim of the United States, as the conquering and treaty-making power.

3. The claim of the individual states, in virtue of their ancient colonial charters.

Virginia claimed the whole northwest to the Mississippi under her colonial charter of 1609, which gave her a front on the Atlantic 200 miles north and 200 miles south from Point Comfort, "and all that space and circuit of land lying from the sea-coast of the precinct aforesaid up into the land, *throughout from sea to sea,* west and northwest."

It will be readily seen that under this charter she could claim almost anything between the two oceans, north of Cape Fear river.

Next, New York by virtue of a treaty with the six nations of New York Indians, laid claim to all the country the said Indians had overrun, south to the Cumberland mountains, and west to the Mississippi; but it is very questionable whether Michigan could be brought within her claim, and it never became a practical question.

Connecticut claimed by virtue of her colonial charter, which extended her western limit "to the South Sea."

Under this old charter Connecticut claimed a belt of territory extending west from the west line of Pennsylvania to the Mississippi and north and south from parallel 41 to 42 2′ north latitude. This included nearly all that part of Michigan south of the second tier of counties as now organized.

And finally, Massachusetts had a colonial charter extending on the Atlantic border from the Connecticut limit of 42 2′ to a point "three English myles to the northward of said river called Monomack alias Merrymack" and "throughout the mayne landes there from the Atlantic and Western sea and ocean on the east part to the South Sea on the west parte." This would have carried the projected north line of the Massachusetts claim, if extended due west, to about the north line of Oakland county, or near the latitude of Port Huron and Grand Rapids.

The task of the Congress of the Confederation was to unite as many of these claims as possible in the hands of the United States. The first and most important thing to be done was to secure cessions from each of the individual states having claims on the western lands.

In doing this aid came in a most unexpected way. It is necessary to premise that by the "ARTICLES OF CONFEDERATION AND PERPETUAL UNION," it was provided that the said Articles should not become operative and binding until ratified by each of the thirteen states.

On February 22, 1779, Delaware, the twelfth state, ratified, leaving Maryland only yet to ratify in order to complete the Confederation.

Maryland demanded, as the condition of her ratification of the Articles, an amendment giving Congress power to fix the western limits of those states claiming to the Mississippi, and as early as December, 1778, the legislature of Maryland adopted a "Declaration" to the effect that "Maryland will ratify the Confederation when it is so amended as to give full power to Congress to ascertain and fix the western limits of the states claiming to extend to the Mississippi." This document was presented to Congress January 6, 1779. This was followed by "Instructions to Maryland Delegates," presented May 21 the same year.

The completion of the Confederation hung on the action of Maryland, and she stood fast and refused to ratify unless her terms were complied with. Her delegates are instructed not to ratify unless the desired amendment is made; with that amendment they are instructed to sign.

Virginia adopted a counter declaration, in which she lays down the proposition that "the United States hold no territory but in right of some one individual state of the Union," and further declared that the setting aside of this principle "would end in bloodshed among the states." It would require a very long chapter to give anything like a full history of the long struggle by which New York, Virginia, Massachusetts and Connecticut were finally led to cede to the United States, as trustees for all the states, the lands which they severally claimed west of the mountains. But it may be summarized briefly as follows:

New York led the way, by the passage of an Act January 17, 1780, "For facilitating the completion of the Articles of Confederation and Perpetual Union Among the United States of America," by which her delegates were authorized to limit her western boundaries, and to cede the surplus of her claim to the United States, for the use and benefit of all such states as should become members of the Federal Alliance.*

On March 1, 1781, the New York delegates executed a deed of cession, of all her territory west of her present west line, on the meridian of the most westerly bend of Lake Ontario. On the same day the delegates of the state of Maryland ratified and signed the Articles of Confederation, thus completing the Confederation.

But already on January 2, 1781, Virginia had yielded to the pressure of Congress and the non-claimant states and had by act of her legislature resolved to cede the territory northwest of the Ohio river for the common benefit, but she placed this cession on such conditions of acknowledgment of her title to the transmontane lands and of guarantee of her remaining territory, as rendered it impossible for Congress, representing all the states, to accept.

But on October 20, 1783, Virginia made a new or amended cession, obviating the most important objections, and on March 1, 1784, her cession was accepted by Congress.

About this time a new element came into operation to expedite the cessions of the western lands.

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*Rufus King's History of Ohio 165.

The Congress had no means of filling its treasury except by calling on the several states to make contributions thereto and such contributions had failed to be forthcoming.

"In April, 1784, Congress again called attention to the western territory as an important financial resource, and urged those states that had not complied with the recommendations of September 6, 1780, to make immediate and liberal cessions."*

This appeal was not without effect. On November 13, 1784, the General Court of Massachusetts authorized her delegates to execute cessions of her lands west of the Hudson river. And on April 19th, 1785, just ten years after the day when the "embattled farmers" stood on Concord green and in front of Lexington meeting-house "and fired the shot heard round the world," Samuel Holton and Rufus King, her delegates in Congress, executed, and on the same day Congress accepted, the cession of all her right, title and claim to lands west of the meridian of the westerly bend of Lake Ontario, the same being the west line of New York State. This now left only Connecticut of the claimant states. She did not long stand out. On May 11, 1786, her legislature authorized the cession of all her western lands, reserving, however, a tract extending 120 miles west of the western boundary of Pennsylvania, "as now claimed by said Commonwealth," and from the 41st degree north latitude to Lake Erie. This she reserved as a means of making good her promises of bounty lands to her revo-

*Hinsdale's Old Northwest 246.

lutionary soldiers, and to compensate the damages suffered from the British invasion of her coast. This became the famous "Western Reserve."

There was much opposition to the acceptance of this cession, on account of the reservation. But on May 26, 1786, it was finally accepted, thus completing the title of the United States to all that vast domain bounded by Pennsylvania on the east, the Ohio river on the south, the Mississippi on the west and the chain of lakes and their connecting waters on the north and northeast.

In this review we have not attempted to deal at all with the lands south of the Ohio river, because they have no direct relation to the subject in hand. That is a different story and a long one.

But there still remains the Indian title to be considered.

At the same time that Congress was pressing for cessions of the western lands by the individual states, it was also negotiating for the extinction of the Indian titles.

On October 22, 1784, was signed the treaty of Fort Stanwix between the United States, by Oliver Wolcott, Richard Butler and Arthur Lee, commissioners plenipotentiary on the one part, and the sachems and warriors of the Six Nations on the other part. By Art. II, the Senecas, Mohawks, Onandagas and Cayugas are given peace and received into the protection of the United States. The Oneida and Tuscarora nations are secured in the possession of the lands on which they are settled.

Art. III provides for a line to be drawn four miles east from the carrying path on Lake Ontario, parallel

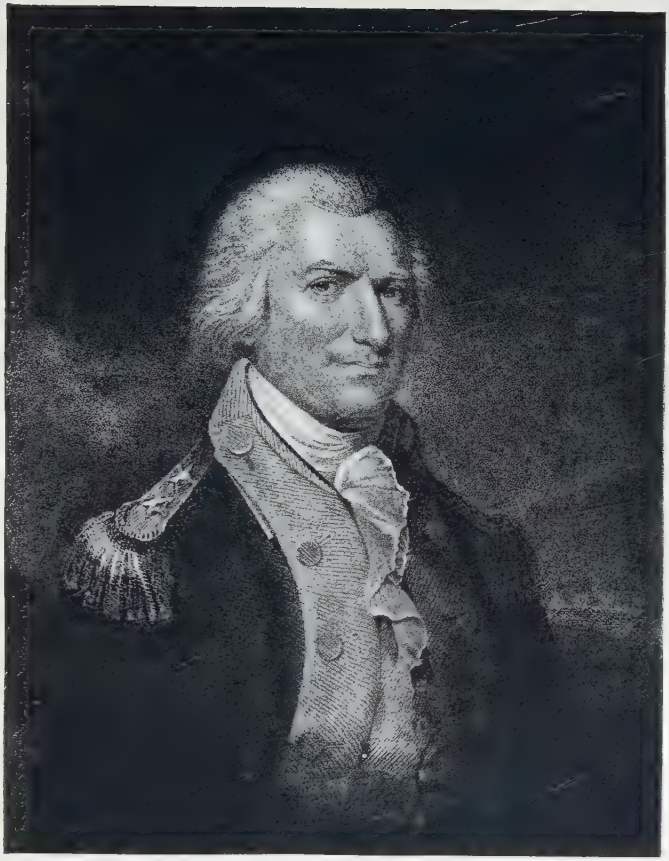
with the Niagara river to Lake Erie and along the north boundary of Pennsylvania, to the west boundary, thence south to the Ohio river.* The six nations to hold to that line,—all west of that line they yield to the United States. This treaty gave directly to the United States all the rights of the six nations to lands west of Pennsylvania, which they had already acquired indirectly through the New York cession.

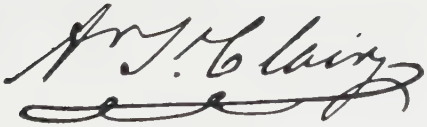
But there were tribes and nations settled on these western lands, who did not admit the right or power of the Six Nations to dispose of the title to their lands. So a separate treaty must be made with them, or the settlers in the Ohio country would experience the horrors of savage warfare on their settlements.

On January 21, 1785, was concluded the treaty of Fort McIntosh, a post at the mouth of the Big Beaver in the upper Ohio Valley, between the United States, through its commissioners, George Rogers Clark, Richard Butler and Arthur Lee, on the one side, and the sachems of the Wyandot, Delaware, Chippewa and Ottawa nations on the other. By Article II said nations acknowledge themselves and all their tribes under the protection of the United States and of no other sovereign whatever.

Article III stipulates that the lands of said nations shall begin at the mouth of the Cuyahoga river, up that river and by the portage to the Tuscarawas, thence west to the portage of the great Miami; thence along that portage to Ome river (a southern branch of the Au-

*Pennsylvania did not then extend to Lake Erie.





glaize); thence north to the mouth of the Maumee river and by the shore of Lake Erie to the Cuyahoga.

This stipulation released to settlement the greater part of what became the State of Ohio, including the valley of the Ohio river where settlements were already in progress.

But Article VII more directly interests us. It provided that the post of Detroit "with the district beginning at the mouth of the River Raisin on the west end of Lake Erie and running west six miles up the south bank of said river; thence northerly and always six miles west of the strait, till it strikes Lake St. Clair, shall be reserved to the sole use of the United States." In the same manner the post of Michilimackinac with its dependencies, and twelve miles square about the same, shall be reserved to the sole use of the United States.

This cannot be regarded as an extinction of the Indian title in these reservations, but it is interesting as being the first formal acquisition of the Indian rights by the United States, within the present state of Michigan.

Four years later, January 9, 1789, came the treaty of Fort Harmar (Marietta) Ohio, by General Arthur St. Clair (now governor of the recently organized Northwest Territory) commissioner on the part of the United States, and the sachems of the Wyandot, Delaware, Ottawa, Chippewa, Pottawatamie and Sac nations. Of these nations the Ottawas, Chippewas and Pottawatamies and the Wyandots of the Detroit were Michigan tribes.

This treaty renews and confirms the treaty of Fort

McIntosh of 1785, but includes some tribes who were not parties to the latter treaty.

Article XI is the same as Article VII of the former treaty in regard to Detroit and the six mile strip.

Article XII is the same as the former treaty in regard to Michilimackinac and the twelve mile reserve.

Article XIII the United States renews peace and friendship with the nations which were parties to the Fort McIntosh treaty.

Article XIV the United States receive into their friendship and protection the nations of Pottawatamies and Sacs.

It needs not to be reiterated that at this time Michigan was an integral part of the Northwest Territory organized by the Ordinance of July 13, 1787, and as yet entire and undivided, and that these treaties pertain to Michigan Peninsula, equally with other parts of that vast domain, though they were particularly intended to open up to settlement the north side of the Ohio, and more especially the purchases of the Ohio Company, the Scioto Associates and the Symmes purchase, covering practically the entire border of Ohio along the Ohio river, of which more hereafter.

In closing this chapter, in which we are approaching the period of the Great Ordinance of 1787, and of the Constitution of the United States, which ushered in a new and more promising day for the northwest and for the young Republic of which it was the common domain, some remark is due on the importance of the events noted therein. It may be truly said that the five years

struggle for the cessions of the over-mountain territory claimed by the individual states, was one of the critical periods of American history.

The old and loose federation of the revolted colonies, the only common bond of which was the Continental Congress, was rapidly going to pieces. The war was practically over, but the treaty of peace was long delayed by the machinations of our ally, France, or more properly by the French King's Minister. The treasury was empty, with no independent source of revenue whereby to fill it; the army was unpaid and almost at the point of mutiny.

The new Articles of Confederation could not be closed without the ratification of every state; and Maryland refused to ratify.

Virginia, then "the mother of statesmen," boldly insisted that the United States, as such, had no common domain and could acquire none by treaty. On the other hand Hamilton and his school claimed that the domain acquired by the treaty of peace closing a war waged by all jointly, and waged with the common blood and treasure, was the property of the United States as a whole. Virginia openly intimated that bloodshed between the states might be the result of any attempt to enforce this view.

Congress "made haste slowly" and by refusing to discuss the question of the relative value of titles, and by a steady and gentle pressure for "immediate and liberal cessions" in time brought about the desired result, and came into possession of that magnificent

country out of which have since been formed the five great states of Ohio, Indiana, Illinois, Michigan and Wisconsin, and all that part of Minnesota lying east of the national boundary as defined by the treaty of peace of 1783. The possession of this splendid domain was the first distinct token of the impending change from a mere loose federation of "sovereign states" to that *"more perfect Union"* then near at hand, and of that growing power in a central government which has made of the United States a real and mighty nation.

The sun of the Constitution was still below the horizon, but the light of its spirit of nationality was already flooding the political sky of America, a token and prophesy of the greater day about to dawn.

CHAPTER III

The Ordinances of 1784 and 1785

A NEW government was necessary for the new domain. Long before the Treaty of Peace of 1783; before even the close of active hostilities, the Continental Congress deliberately adopted a policy looking to the acquisition of the unoccupied lands west of the mountains, in case independence should be achieved—which they assumed to be assured—as a public domain to be held as the common property of all, and ultimately to be divided into new states, which should be admitted into the Union on an equal footing in all respects with the original thirteen states.

Both New Jersey and Delaware in authorizing the ratification of the *Articles of Confederation* had passed resolutions favoring such a policy.

Maryland, as we have seen in the last chapter, had refused to ratify on any other terms.

As early as September 6, 1780, Congress, on the report of a committee to whom the declarations of the above named states had been referred, adopted resolutions calling upon the several states claiming lands beyond the mountains to cede them to the United States to be held for the purposes aforesaid.*

A little more than one month later, Congress in order to set at rest any question in regard to its policy on the subject declared:—

"That the unappropriated lands which may be ceded or relinquished to the United States by any particular state, pursuant to the recommendation of Congress of the 6th of September last, shall

*Journals of Congress III, p. 517, Merriam 2.

be disposed of for the common benefit of the United States, and be settled and formed into distinct republican states, which shall become members of the Federal Union and have the same rights of sovereignty, freedom and independence as the other states. * * *"

"That the necessary and reasonable expenses which any particular state shall have incurred since the commencement of the present war, in subduing any British posts, or in maintaining forts or garrisons within and for the defense or in acquiring any part of the territory that may be ceded or relinquished to the United States, shall be reimbursed."*

The policy outlined in these resolutions is embodied in all subsequent resolutions and declarations by which they continued to urge the cession upon the states, until Connecticut completed her cession in 1786.

These resolutions contain the germ and kernel of the subsequent ordinances for the organization of the western country into territories and states.

On April 15, 1782, a committee of Congress, to which had been referred the original acts of cession of New York, Virginia and Connecticut, reported resolutions embodying the same policy, with some elaboration. But the report was not acted on.

All this occurred before even the provisional treaty of peace was signed.

On October 15, 1783, long before the definitive treaty of peace reached this country, Congress moved thereto by a letter of Washington, adopted the following among other resolutions:

"Resolved that it will be wise and necessary as soon as circumstances shall permit, to erect a district of the western terri-

*Journals of Congress III, 535.

tory into a distinct government, as well for doing justice to the army of the United States, who are entitled to such lands as a bounty or in reward of their services, as for the accommodation of such as may incline to become purchasers or inhabitants. And in the interim that a committee be appointed to report a plan, consistent with the principles of the Confederation, for connecting with the Union by a temporary government, the purchasers and inhabitants of the said district, until their number and circumstances shall entitle them to form a permanent constitution for themselves and as citizens of a free, sovereign and independent state, to be admitted to a representation in the Union."*

Pursuant to this resolution a committee was appointed "to report a plan." This committee consisted of Jefferson of Virginia, Chase of Maryland and Howell of Rhode Island.

On the very day on which Virginia's final deed of cession of the northwest country was delivered to Congress, March 1, 1784, the committee made its report. The report is on file in the state department and is in Jefferson's handwriting, and endorsed "Report Mr. Jefferson, Mr. Chase, Mr. Howell. Temporary government of *western* country." It will be noticed that this report related not to the territory *northwest* of the Ohio, but to the whole *western country*, "beginning *to count from the completion of 31 degrees* north of the equator," that is from the north line of Florida, which province had been ceded by Spain to England, by a treaty signed on the same day as the treaty of peace with the United States.

This report may be found in full in the government publication "The Public Domain." This it was which with modifications became *"The Ordinace of 1784."*

*Journal of Congress IV, 296.

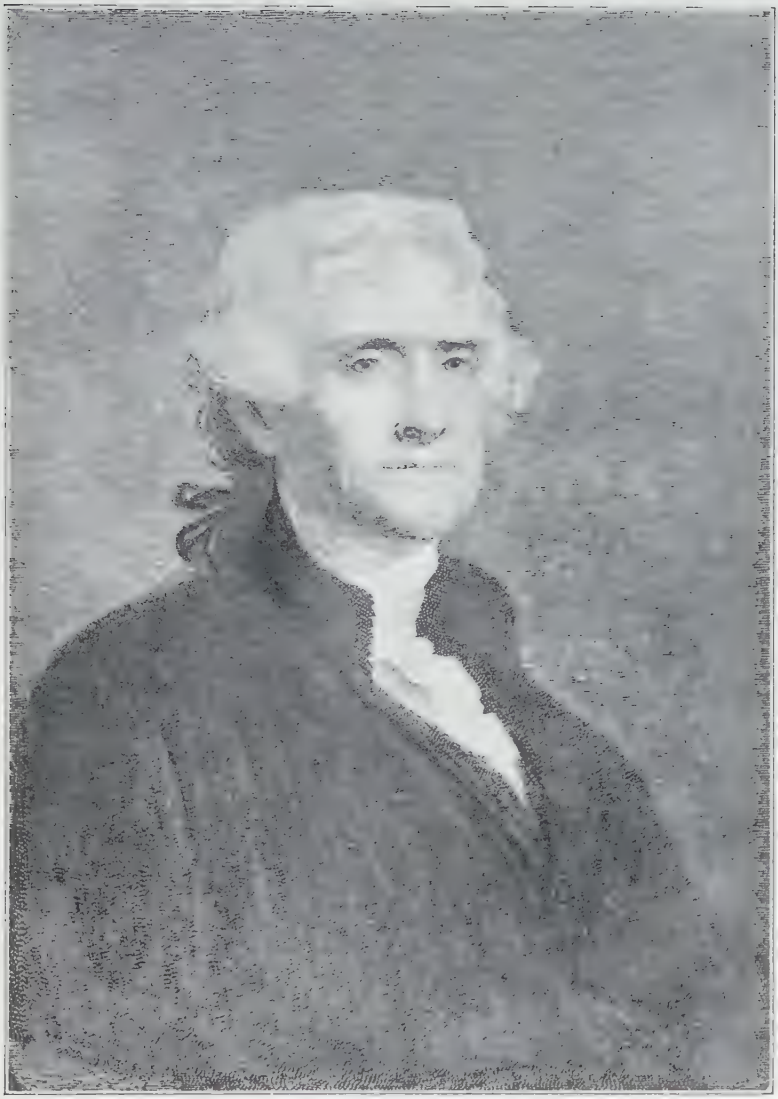
The report recites that:

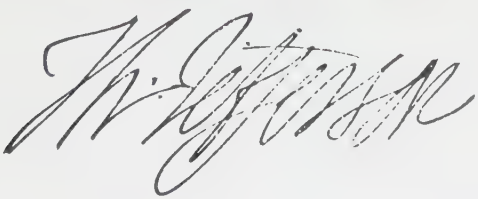
"The committee appointed to prepare a plan for the temporary government of the *western territory* have agreed to the following resolutions:

"Resolved that the territory ceded and to be ceded by individual States, etc., etc., shall be formed into distinct states bounded in the following manner as nearly as such cessions will admit, that is to say: northwardly and southwardly by parallels of latitude so that each state shall comprehend from south to north two degrees of latitude beginning to count from the completion of thirty-one degrees north of the equator." * * *

It then recommends east and west boundaries by the Mississippi river on the west and by the meridian at the foot of the Rapids of the Ohio and the western cape of the great Kanawhay, and one state east of the last named meridian.

This subdivision would provide for seventeen states, ten north of the mouth of the Ohio, and seven south of that river. For the ten new states north of the Ohio, Jefferson provided names so pedantic and absurd that it led to the recommitting of the report, on March 17, but it was again reported from the committee on the 23rd, minus Jefferson's proposed names. Those names were as follows: The territory northward of the 45th degree "extending to the Lake of the Woods" (the extreme northwest limit of the United States), *Sylvania;* the territory under the 44th and 45th degrees, that west of Lake Michigan, *Michigania;* and that which lies east, *Chersonesus,* which shall include any part of the peninsula which extends north of the 45th degree. Of the territory which lies under the 43rd and 42nd





degrees, that westward *Assenisipia,* and that to the eastward *Metropotamia.* Of the territory which lies under the 41st and 40th degrees the western part through which the river Illinois runs, *Illinoia,* that next adjoining eastward, *Saratoga;* and that between this last and Pennsylvania, *Washington.*. Of the territory which lies under the 39th and 38th degrees, that to the westward shall be called *Polypotamia;* that to the eastward, farther up the Ohio, *Pelisipia.*

The amended ordinance as reported on March 23rd was the same as that first reported except that part relating to the naming of the states. It came up for consideration on April 19, 1784, when it was amended in the Congress by striking out the following clause:

"5. That after the year 1800 of the christian era there shall be neither slavery nor involuntary servitude in any of the said states otherwise than in punishment of crimes whereof the party shall have been duly convicted to have been personally guilty."

This was Jefferson's anti-slavery plank.

It will be seen that this anti-slavery provision was co-extensive with the territory to be included in the new states, that is, it applied the prohibition as far south as the United States extended,—to the Florida line.

On the question of *retaining* this clause, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York and Pennsylvania all cast unanimous affirmative votes. Maryland and South Carolina undivided negative votes; Virginia a divided negative vote, Jefferson voting in the affirmative; Delaware and Georgia were unrepresented, and only one delegate was present from

New Jersey. Had one more delegates from New Jersey been present, the clause would have been retained, as it required the affirmative vote of only seven states to adopt it. The per capita vote stood 16 affirmative to 7 negative. The clause making the new states "subject to the government of the United States in Congress assembled" was also stricken out. A clause excluding from citizenship all persons holding hereditary titles shared the same fate. A provision was added that "the lands of non-resident proprietors shall, in no case, be taxed higiher than those of residents." It was further provided "that measures not inconsistent with the principles of the confederation, and necessary for the preservation of peace and good order among settlers in any of the said new states, until they shall assume a temporary government as aforesaid, may, from time to time, be taken by the United States in Congress assembled."

As thus amended, "Jefferson's Ordinance" passed on April 23rd, 1784, and became the first frame of government of the western country, and more particularly of the Northwest Territory, soon to be settled and organized under it. So far as it concerned the Northwest, it has been thus summarized. It was "to be divided into ten states, each one of which was to be able to adopt, as a temporary form of government, the constitution of any one of the thirteen original states, under which a legislature was to be elected with power to amend such constitution:

"Each state upon gaining a population of 20,000 was to be admitted as a state of the union under a permanent constitution, and was to be admitted to full representation in Congress when its population equalled that of the least numerous of the thirteen original states, and until such admission each state, after the formation of its temporary government, could send a delegate to Congress, with right of debating but not of voting."*

These state governments were always to remain a part of the Confederation, and be subject to the Articles of Confederation; their form of government should be republican; they should be subject to federal taxation as apportioned by Congress; should not interfere with the primary disposal of the soil by Congress; the lands of the United States should not be subject to be taxed by the state; that non-resident lands should not be taxed higher than the lands of residents.†

Finally it was declared that

"The preceding articles shall be formed into a charter of *compact* between the thirteen original states and those now newly described, unalterable but by the joint consent of the United States in Congress assembled, and of the particular state within which such alteration is to be made."

This is the first charter or constitution of the Territory of Michigan written by the same hand that framed the Declaration of Independence. It remained in force until July 13th, 1787, when it was superceded by the "Great Ordinance" of 1787.

Up to this time, April 23, 1784, Congress had taken no steps for the survey and sale of any western lands,

*Merriam 12.
†Merriam Ord. 1787, 13.

and therefore there were no lawful settlers upon them except in connection with military posts or on some old French or British grants.

But the human tide was rising. Already it was topping the Alleghanies and was just ready to pour down through the valleys of the Kanawha, the Holston, the French Broad and the Ohio into the beautiful regions of East Tennessee and over the fertile fields of Kentucky and southern Ohio. It was time for Congress to act; and in 1784, Mr. Jefferson reported "An ordinance for ascertaining the mode of locating and disposing of the lands in the western territory."

This ordinance was reported on April 30, 1784, but it went over until the next session without action.

When Congress reassembled, Jefferson was already in France as our minister plenipotentiary, and on March 16, 1785, the ordinance was recommitted to a committee of twelve, who reported it with amendments, and on May 20th, 1785, this second ordinance, known as the ordinance of 1785, directly affecting Michigan Territory was enacted.

There are only three provisions of this ordinance that we need to especially note; but these three became a permanent part of our land policy, and deserve more than passing attention.

First, it provided for surveying the public lands into rectangular "townships" six miles square, without reference to natural boundaries, and for subdividing these into sections one mile square, and for the sale of these by sections and lots.

Second, it inaugurated the policy and plan, ever since maintained, of reserving the central section (16) in each township *for the support of schools.*

It is scarcely possible to overestimate the beneficent influence of this single provision, in the settlement and Americanizing of our newer states, now extending to the Pacific.

Third, the other provision referred to was that until a temporary government shall be established in any state, according to the resolution of Congress of April, 1784, the lands therein shall pass in descent and dower according to the customs known in the common law by the name of "gavelkind," and shall be transferable by deed or will," etc. * * *

Powerful movements were now on foot for the establishment of considerable communities beyond the mountains, as soon as lands could be surveyed and titles obtained. The ordinances of 1784 and 1785 had prepared the way for such surveys and settlements.

The ordinance of 1784 was not a practicable *working* constitution, but rather a declaration of purpose, but that and the land ordinance of 1785 paved the way for the coming of the greater ordinance of 1787, which *was* a practicable plan of government and which continued to be Michigan's only territorial constitution until she was set off and organized under the act of 1805.

CHAPTER IV

Ordinance of 1787

THE Ordinance of 1787 was an evolution. It was never "struck out at a single heat" from the brain of any man, or committee of men, or from any single Congress.

As we have shown, long before the close of hostilities, even a year before the surrender of Cornwallis at Yorktown, Congress began to plan for the future organization and government of the territory which it expected to acquire from Great Britain, or, perhaps it were better to say, to *retain,* through the treaty of peace and independence.

This went on year by year, through successive appeals to the states and successive declarations of purposes, until in less than eight months after the definitive treaty establishing our boundaries, it took its first somewhat crude form in the ordinance of April 23, 1784. But it was a ground work on which to build. At once the building began.

Before one year had passed, on March 16, 1785, Rufus King, then of Massachusetts, probably moved thereto by a letter of Colonel Timothy Pickering,* introduced an amendment to Jefferson's ordinance, prohibiting slavery or involuntary servitude *"in any of the states described in the Resolve of Congress of the 23rd of April, 1784,"* (Jefferson's Ordinance) and further declaring "this regulation shall be an article of compact and remain a fundamental principle of the Con-

*Merriam 16.

stitution between the thirteen original states and each of the states described in the said resolve of the 23rd of April, 1784."*

The resolution or amendment was referred to a committee consisting of Mr. King, Mr. Howell and Mr. Ellery. The journals of Congress do not record that the committee made a report, but the report itself, on file in the records of Congress, shows that the report was filed April 6, 1785, and *as reported* it had appended a fugitive slave clause, similar to that eventually embodied in the Ordinance of 1787, and in the Constitution of the United States.

There exists no record to show that the amendment was ever discussed or acted upon by Congress.

It will be observed that this proposed amendment was as broad as to territorial extent as was Jefferson's which was stricken out, and would have extended its operation as far as the Florida line.

Next in order, Mr. Monroe of Virginia, took up the theme, and after reciting at length the inconveniences of Jefferson's division of the northwest into *ten* states bounded by parallels of latitude and meridians of longitude, asked that Virginia be recommended to modify her act of cession so that Congress might divide that domain "lying northerly and westerly of the Ohio river into distinct republican states, *not more than five nor less than three.*" etc.

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*Prof. Hinsdale says: "Mr. King moved to commit a proposition to prohibit slavery in the *northwest* immediately, but Congress never acted on the subject." Old Northwest p. 273. King's proposition applied to the whole western country north and south.

This proposal was referred to a committee of which Monroe was chairman, and was adopted by Congress. This was the first successful amendment, and of course practically did away with Jefferson's scheme of ten states bounded by parallels and meridians, and left the number and boundaries of states to be fixed when the action of Virginia should be known.

May 10, 1786, a committee, of which Monroe was chairman, made report on a motion of Nathan Dane, of Massachusetts, (who had entered Congress in 1785) "for considering and reporting a form of a *temporary government* for the western states." This contemplated a revision of Jefferson's Ordinance of 1784. Monroe's report provided a working government consisting of a governor, secretary, council and court; also a legislature consisting of two houses, a council to be appointed and the other a house elected from districts. All money bills to originate in the popular house. The state to be admitted to representation in Congress when it attained a population equal to the least of the original states.

It will be well to remember these points when we come to consider the Ordinance of 1787. On July 13, 1786, this proposed ordinance was recommitted.

Before the subject of the ordinance for the government of the Northwest Territory was again brought before Congress, both Monroe of Virginia, and Rufus King of Massachusetts, had resigned their seats to take their place in the Constitutional Convention, about to assemble in Philadelphia. Monroe and King having

thus dropped out of the committee, Dane (of Massachusetts) and Henry (of Maryland) were appointed in their places, and Johnson (Connecticut) was now chairman; and this committee, on September 19, 1786, made a report, which, without action, went over to the next Congress. This is known as "the Johnson Ordinance." It made many changes from the existing ordinance, and among others provided for the writ of habeas corpus and trials by jury.

The report having lapsed with the change of Congresses, it was again brought forward April 26th, 1787, as a new report from the same committee. It was called up May 9th, and May 10th was assigned for its consideration and third reading; but that day was taken up with a privileged motion for an adjournment to Philadelphia, where the Constitutional Convention was assembling.

From May 11th to July 5th there was no quorum in Congress, and, of course, no legislation could be had. On July 9th the ordinance was taken up and referred to a new committee consisting of Carrington, Virginia; Dane, Massachusetts; R. H. Lee, Virginia; Keane, South Carolina, and Smith of New York. The ordinance so referred was *"the Johnson Ordinance,"* and the ordinance reported out on July 11, 1787, was that ordinance which has become famous as *the Ordinance of 1787*. This ordinance was adopted and became the constitution of the Northwest Territory, on July 13th, only two days after it was reported, and that by a unani-

mous vote of the eight states then represented in Congress.

This ordinance has been canonized in the hearts of the American people, as one of the greatest legislative acts in the history of this or of any people.

The historian, Bancroft, speaks of it as *"the Great Ordinance."* Chief Justice Cooley in his "Michigan" terms it "immortal" and says that "no charter of government in the history of any people has so completely stood the tests of time and experience." Senator Hoar classes it with the Constitution and the Declaration of Independence.

It is one of the marvels of Providential guidance that out of a Congress almost *in articulo mortis,* consisting at the time of only eighteen members, with scarcely one distinguished name among them, so grand a combination of fundamental political principles, united in one legislative act, should have issued.

On the day of its adoption only eight states were represented, three northern and five southern. Every state voted in the affirmative and seventeen of the eighteen members voted the same way. The only negative vote was that of Yates of New York. The states and members voting were as follows: Holton and Dane (Massachusetts) Smith, Harring and Yates (New York); Clark and Scheurman (New Jersey) Kearney and Mitchell (Delaware) Grayson, Carrington and Lee (Virginia) Blount and Hawkins (North Carolina) Kean and Huger (South Carolina) and Few and Pierce (Georgia). New Hampshire, Rhode

Island, Connecticut, Pennsylvania and Maryland were unrepresented. This shows how completely the Congress of the Confederation had lost its hold upon the states and the people.

Around no act or document affecting the great Northwest has so long and so earnest a controversy raged as over the authorship and the person or persons or section to which belongs the credit of originating this great title-deed of liberty.

It is a complete working scheme of government for an area as large as an empire. It provides for the descent and distribution of estates, and a comprehensive territorial government of three departments, executive, judicial and legislative, the latter to consist of two branches, and until the legislature is organized, for the selecting and publishing of the laws; the creation and officering of the militia; the appointment of magistrates; the prevention of crimes and injuries; the qualification of electors and officers; the organization of the legislative department; and the election of delegates in Congress.

All this is temporary, and will pass away with the territorial condition; but now follows the great *compact* embodying the perpetual and imperishable principles on which these new states shall be builded, embraced in *six great Articles*.

Art. 1. Perfect religious liberty.

Art. 2. The right to the writ of Habeas Corpus and trial by jury, proportionate representation, offenses bailable, fines to be moderate. Then follows the pith of

Magna Charta and of the English "Bill of Rights," and the declaration of the absolute inviolability of private contracts.

Art. 3. Deserves to be recorded in letters of gold: "Religion, Morality and Knowledge, being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged."*

Good faith shall be observed toward the Indians.

Art. 4. The said Territory and the states which may be formed therefrom shall forever remain a part of this confederacy of the United States of America. Inhabitants to pay their proportionate share of the taxes and debts. Legislatures not to interfere with the primary disposal of the soil by the United States. Non-resident proprietors in no case to be taxed higher than residents. Navigable waters, etc., to be highways and free.

Art. 5. Relates to the formation of states and their boundaries. States to be admitted into the union when they shall have 60,000 free inhabitants.

Art. 6. Ordains the immediate and total prohibition

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*Nathan Dane of Massachusetts claims the authorship of Art. 3 and it is quite possible that in its original form he may have drafted it, but as reported from the committee in Dane's handwriting, it was quite different from the form in which it was adopted. As reported it read as follows: "Institutions for the promotion of religion, morality, schools and the means of education shall forever be encouraged, and all persons while young shall be taught some useful occupation." The words "and knowledge being necessary to good government and the happiness of mankind" are interlined in the handwriting of Charles Thompson, the secretary of Congress. Original Copy in Library of Congress.

of slavery, with a proviso for the reclamation of fugitives from service or labor.

Here we have religious and civil liberty, the writ of habeas corpus, trial by jury, Magna Charta, the Bill of Rights, equal and proportionate representation, fostered education, good faith to Indians, inviolability of private contracts, a *perpetual union,* and the Declaration of Independence all rolled into one ordinance. Very much of this was, within a few weeks, grafted into the Constitution of the United States by the convention then sitting at Philadelphia, and became a permanent part of the *Supreme Law* of the Great American Commonwealth.

Not only was much of its material incorporated into the Constitution, but it has served as a model for the organization of many other territories, Michigan among them.*

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*Note. To any who may care to trace the history of the evolution and development of this remarkable act of legislation, we recommend the perusal of the address or monograph by John M. Merriam, A. M. presented at the semi-annual meeting of the American Antiquarian Society, April 25, 1888. Mr. Merriam was at the time private secretary to Senator Hoar of Massachusetts. We know of nothing fuller, fairer or more exhaustive. For those who are not able to avail themselves of this very able discussion, a note will be found in the appendix, discussing the sources from which the principal parts of the Ordinance were derived.

CHAPTER V

First European Settlements in Michigan

HAVING shown the manner in which the United States gained possession of the Northwest, the boundaries established and the constitution provided for its government while it should remain a Territory, it is now time to take up the successive movements of events. But first there are a few dates, prior to the treaty of peace, which may properly be briefly noted here for reference, though relating to the provincial and revolutionary period.

The earliest settlements,—or rather the first lodgments made in Michigan by the French were, first, at Sault Ste. Marie, in 1668; at Michilimackinac in 1669; at Fort St. Joseph, at the mouth of the River St. Joseph, 1679, and at Detroit, 1701. None of these, unless we except Cadillac's coloney at Detroit, were "settlements" in the true sense. They were military and trading posts and the headquarters of fur hunters and traders.

September 18, 1759, Quebec surrendered to the English, and on the 8th of September, 1760, Montreal and all its dependencies were yielded to the British. This included not only most of what is now Canada, but Detroit, Michilimackinac, and the two Michigan peninsulas.

September 12, 1760, Major Robert Rogers, a New Hampshire militia ranger, was directed by General Amherst to proceed to take possession of Detroit and Michilimackinac; and on November 29th, of that year, he marched into Fort Pontchartrain, which then con-

stituted Detroit, and French rule in the Michigan peninsulas was at an end.*

Michilimackinac was turned over as soon as it could be reached in the following spring.

Michigan cut no figure in the war of the Revolution. The echoes of that long and sporadic struggle along theAtlantic plateau scarcely penetrated beyond the vast intervening wilderness, except when, for a time, Lieutenant Governor Hamilton was disturbed in his scalp counting by the audacious and picturesque raid of George Rogers Clark on Kaskaskia and Cahokia, in lower Illinois, with his "army" of about 200 undisciplined hunters recruited from Kentucky; and his later march on Vincennes on the Wabash.

Governor Hamilton in his attempt to punish the audacious young Virginian, raised his Indian allies, and with a handful of regulars and a few militia, recruited for the occasion at Detroit, marched to Vincennes in the winter of 1778-9, where he promptly surrendered to Clark, and after many months in prison at Williamsburg (then capital of Virginia), he returned to England.

But Clark's "conquest" cut no large figure, either in negotiating the treaty of peace, or in the claims of Virginia to the northwest territory.

Rufus King in his History of Ohio says:

"Another fallacy is in assuming that the 'conquest' extended farther east than the Wabash. The Territory

*Sheldon's Early History of Michigan 327.

of Ohio was never a dependency of Vincennes, but always under command of Detroit."*

The principal effect of the Revolution, in Michigan, was the organization of sundry expeditions of savages under the auspices of Governor Hamilton, which came down with tomahawk, scalping knife and fire brand on the isolated settlements of Kentucky.

General Cass in an historical address or "discourse" delivered before the Michigan Historical Society at Detroit, in 1830, with more than his usual picturesqueness, says: "War parties were going and returning during the whole progress of the Revolution. They went with presents and promises, they returned with scalps and blood."†

The Defintive Treaty of Peace of 1783, brought the acknowledgment of independence, but it did not bring peace to the harried and nearly exhausted frontier territories. Great Britain still clung to the military posts and stations along the Canada border, from Oswego, near the foot of Lake Ontario, on the east, along the new international boundary to the Lake of the Woods on the west. She courted the alliance of all the Indian tribes along the border, not alone those which had been friendly during the French war, but those which had been attached to the French as well. The tribes, who claimed all the region between the great lakes and the Ohio river, had come to recognize the fact that their danger came not from the British across the border in

*King's Ohio, 172.
†Historical Sketches 42.

Canada, but rather from those fearless, aggressive and turbulent American frontiersmen, who were pouring over the mountain ranges, clad in buckskin hunting shirts, and armed with long hunting rifles and knives, which gave them among the Indians the name "long knives."

Already Kentucky was occupied, largely with the disbanded Virginia soldiers of the Revolution, and the "dark and bloody ground" was hopelessly lost to the native tribes. But at the close of the Revolution they still held the country north of the Ohio.

In the same year that the "land ordinance" of 1785 was passed, the so-called "treaty of Fort McIntosh" had been uegotiated with certain chiefs claiming to represent the Wyandot, Delaware, Chippewa and Ottawa nations; but it was claimed by some of their leaders that those chiefs had no right to negotiate or sign the treaty, and that it was not binding without the assent of the general council of the confederation to which those tribes belonged, and the treaty did not bring peace or security to the settlers west of the mountains.

Joseph Brant, the great Shawanese chief, in some sense the successor of Pontiac as the head of the western tribes, held the treaty of Fort McIntosh to be a nullity, and that the Indian country extended to the Ohio river.

But events were now transpiring which would percipitate a crisis between the white settlers and the original occupants of the soil.

Even before his retirement from the head of the army, Washington had pointed his old comrades, impoverished and disheartened by the long struggle

and their failure to receive just compensation for their services, to the western country, and especially to the Ohio Valley, as the place where they might retrieve their losses, and regain the competence and comfort which many of them had lost by the war.

It was in 1785 also that two veteran soldiers of New England made tours of exploration and observation to the Ohio country; these were General Benjamin Tupper, who had charge of the surveys under the land ordinance, and General Samuel Holden Parsons of Connecticut, who descended the Ohio, as far as the falls, inspired thereto, perhaps, by Washington's prophetic vision of prosperity to be regained there. These men returned to the East fired with enthusiasm for the western country, and circulated such a favorable report that many Revolutionary soldiers, largely officers, joined in a movement to secure a grant of land between the Ohio and Lake Erie.

On January 10, 1786, General Rufus Putnam and General Benjamin Tupper issued a call for all those interested in the Ohio scheme to choose delegates to meet at the "Bunch of Grapes" tavern in Boston on the first day of March, 1786, at ten o'clock A. M., then and there to consider and agree on a general plan, etc.*

The delegates met at the time and place proposed and on March 3rd, the Ohio Company of Associates was organized.† A committee was appointed to transact necessary business until directors should be elected,

*Cutler 179-180.
†Cutler 184.

and on March 8th, at "Bracketts Tavern," Boston, General Samuel H. Parsons, General Rufus Putnam and Reverend Manasseh Cutler were chosen directors. Articles of association and agreement had been adopted on the 3rd.

It was made the duty of the directors to make immediate application for the purchase of lands "such as they shall deem adequate to the purposes of the company." The rest of the year, 1786, was consumed in raising the necessary funds, and in preparing to secure the purchase of lands.

First, General Parsons made a trip to New York with the object of making terms with Congress, but failed. During the spring and early summer of 1787, Congress was without a quorum, so that nothing could be accomplished. But, as we have seen in a previous chapter, in July, 1787, the ordinance for the government of the territory northwest of the Ohio was adopted, and the purchase of lands was accomplished through Reverend Manasseh Cutler and Major Winthrop Sargent, the secretary of the Ohio Company.

At a meeting of the company held at Bracketts Tavern August 31, 1787, it was determined "to send men this fall into the Ohio country," and on Monday, December 3rd, a part of the men going to the Ohio started from Ispwich* for the west. This advance party went under the leadership of General Rufus Putnam to settle at the mouth of the Muskingum river, which place they reached April 8th, 1788.

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*The home of Manasseh Cutler.

Manasseh Cutler.

This was the advance guard of the Ohio Company, which brought in the first New England settlers, but they were by no means the first white people to take up an abode—as "squatters" or otherwise—in the valley of the Ohio.

Even before the lawful surveys of the first "seven ranges" commenced under General Tupper in 1785, there were hundreds of them scattered along the river from Fort McIntosh at the mouth of the Beaver, down to the falls, and extending up some of the tributaries on the north a distance of as much as thirty miles.

Colonel Broadhead, commanding at Pittsburg, reported to Washington as early as October, 1778, these illegal settlements and sent a force to eject the settlers, but with little result.* At some points the officer found organized communities who had elected magistrates, and one man, Ross, who announced that he was going to Congress to vindicate himself and the other settlers from the charge of being unlawfully on the Indian lands.

At the so-called treaty of Fort McIntosh, made in January, 1785, the principal complaint of the Indians was of these illegal settlements north of the Ohio, and the chief object of the treaty was to extinguish the Indian title so that surveys and sales by the United States might proceed. There was no civil government in that region, and the military government was inefficient and ineffectual.

But with the coming of the Ohio Company came also

*King 192.

civil government. As we have seen, the ordinance for the government of the territory northwest of the Ohio was passed July 13, 1787, and the sale of nearly 6,000,000 acres of land to the Ohio and Scioto companies was completed in October of the same year, and the surveys of the land were being pushed forward with energy. It was a part of Reverend Manasseh Cutler's mission to Congress, as agent of the Ohio Company, to secure the institution of civil government in the region which his companies were to settle; and it had been intended that General Samuel H. Parsons of Connecticut, should be appointed first governor. But he found opposition to Parsons in Congress, and was obliged to compromise on General Arthur St. Clair, then President of Congress, as governor. The other officers of the new teritory were as follows: Judges Samuel H. Parsons, John Armstrong* and James M. Varnum; secretary of the territory, Major Winthrop Sargent, who was also secretary of the Ohio Company.

These appointments were made in October, 1787, but as there was practically no one to govern in the territory, they did not arrive at the mouth of the Muskingum until July, 1788. The new town was named Marietta, and there on the 17th of July, 1788, the first civil government, embracing Michigan within its jurisdiction, was established with due ceremonial.

Under the French and British regime, Detroit and Michilimackinac—which constituted the Michigan of

*Armstrong did not serve, and John Cleve Symmes was appointed in his place.

that day—were under the absolute rule of the military commandant and the priest. The commandant was nearly absolute except in the moral and religious affairs which came within the special jurisdiction of the priest.

It is not within the scope or purpose of this history to trace with fullness the rise and growth of the new Northwest Territory. Marietta increased so that in 1790, two years after the first clearing was made, it contained eighty houses. But Indian hostilities and depradations continued. Notwithstanding the so-called treaty of Fort McIntosh of 1785, the great body of the Indians still considered the country north of the Ohio as Indian country, and were not inclined to yield it without a fight.

In regard to this and other Indian treaties, Rufus King in his history of Ohio, says: "To open the way for surveys and sales of the western lands and to induce immigration, it was essential to obtain the Indian title. A board of commissioners had been established for this purpose in 1784. Instead of seeking peace and friendship through the great council of the northwestern confederacy, which had now transferred its annual meetings from the Scioto to the Rapids of the Maumee (near Toledo) these officials adopted the policy of dealing with the tribes separately. Year after year they treated with sundry gatherings of unauthorized and irresponsible savages, at what are known as the treaties of Fort Stanwix in October, 1784, Fort McIntosh (mouth of Big Beaver) in January, 1785, Fort Finney (near the mouth of the Big Miama) in January, 1786, and

Fort Harmar (mouth of Muskingam) in January, 1789. By these proceedings it was given out and popularly supposed that the Indian tribes on the Ohio had acknowledged the sovereignty of the United States and surrendered all the territory south and east of a line which passed up the Cuyahoga river, and across the portage to the Tuscarawas, then descending this stream to Fort Laurens, thence running west to the portage between the heads of the Big Miami and the Auglaize rivers to Lake Erie.

Congress was under the delusion that it had acquired the Indian title and full dominion of all the lands between this line and the Ohio river. The mischief of these travesties was soon discovered in new raids and murders perpetrated upon the settlers of the government lands by the very tribes ignorantly reported and supposed to have ceded the territory."*

In December, 1786, the confederated tribes sent a "speech" or address to Congress, supposed to have been the work of Brant, in which the source of the Indian discontent and restlessness was clearly pointed out. Among other things it declared:

"We think the mischief and confusion which has followed is owing to your having managed everything respecting us in your own way. You kindled your council fires where you thought proper without consulting us, at which you held separate treaties, and have entirely neglected our plan of having a general conference with the different nations of the confederacy. * * *

Let us have a treaty with you early in the spring. We say let us meet half way, and let us pursue such steps as become upright

*King 174 et seq.

and honest men. We beg that you will prevent your surveyors and other people from coming on our side of the Ohio river."

But the Congress and the western officials disregarded the suggestion, and in 1789, the so-called treaty of Fort Harmer was negotiated and signed, in the same old way, without any reference to the general council.

The reason that Governor St. Clair gave for this was "A jealousy between them (the tribes) which I was not willing to lessen by appearing to consider them as one people. I am persuaded that their general confederacy is entirely broken."

This was in 1789, and the events of 1790, 1791-'3 and '4 were to demonstrate how sadly General St. Clair was in error; an error he realized in its full extent and meaning when on the evening of November 4, 1791, one-half of his entire army lay dead on the bloody field of "St. Clair's defeat" on the banks of the Wabash.

CHAPTER VI

The Harmar, St. Clair and Wayne Campaigns

IN previous chapters we have in a very brief manner told the story of the so-called treaties of Fort McIntosh and Fort Harmer, or, as the Indians more often called the latter, the treaty of the Muskingum.

Passing now over a period of nearly six years during which almost constant hostilities were going on, we come to the treaty of Greenville, signed at Greenville, Ohio, August 3, 1795, as the result of General Anthony Wayne's crushing defeat of the confederated or allied tribes in the battle of Fallen Timbers, at the Rapids of the Miami (or Maumee), August 20, 1794.

This treaty embraced all the tribes which had confederated under Brant, to establish the Indian boundary at the Ohio river. It included the Wyandots, Delawares, Shawanese, Ottawas, Chippewas, Pottawatamies, Miamies, Eel Rivers, Weas, Kickapoos, Piankeshaws and Kaskaskias.

But before discussing the treaty itself, it will be necessary to refer to the events and conditions leading up to it. As we have already seen, Brant and his followers held the treaties of McIntosh and Muskingum to be invalid and of no binding force on the confederacy, or on the tribes, because made by unauthorized chiefs without the consent or ratification of the confederation.

President Washington had adopted the general policy of seeking to maintain peace with the western tribes, and in good faith had appointed commissioners to treat with them; but the constant raids by frontiersmen on

the Indians, with no other authority than their own will, and counter attacks, surprises and murders by the Indians, rendered it quite impossible to maintain it.

There were not wanting in those days people who believed in the theory enunciated in modern times, that "there are no good Indians but dead Indians," and who were ready and willing to make as many "good" Indians as possible, according to that formula.

An expedition of considerable magnitude was now organized under Harmar, (who had been promoted to Brigadier General), during the summer and fall of 1790. On September 26th the expedition set out from Fort Washington (Cincinnati) about 1,450 strong.

As General Harmar advanced, the Miamies retired, abandoning their villages, which Harmar proceeded to destroy. But the militia, especially the Kentuckians, wanted more fighting, and went beyond instructions, with the result that in two ambuscades they were so roughly handled that the army returned to Ft. Washington in a demoralized condition.

The country, as usual in such cases, demanded another and larger expedition, in order to retrieve the prestige lost in the first. Congress responded with authority to recruit a second regiment of "regulars" (the "army" had previously consisted of one small regiment) and also provided for calling out fifteen hundred militia.

Enlistments were limited to six months. The commissary and quartermaster's departments were made political "jobs" and proved miserable failures. The expedition should have started in the early days of July,

but it was the 17th of September before it got off. The command was entrusted to Gov. St. Clair, who was made a Major General for that purpose, and Colonel Richard Butler of Pennsylvania was made Brigadier General and second in command. They advanced slowly, St. Clair delaying nearly a month to build forts Hamilton and Jefferson.

Meanwhile the time of many of the short-term men was expiring, and they were rapidly deserting; the bonds of discipline were relaxed, coherence was lost, and in addition to all the rest, St. Clair himself was too ill to mount without assistance. Under these distressing circumstances, St. Clair encamped on the night of November 3rd on the banks of a stream he did not know, but which proved to be the upper Wabash, where Fort Recovery was afterwards built. During the night his force was surrounded by a thousand warriors of the confederated tribes under the command of "Little Turtle," the Miami Sachem.

Before dawn of November 4th, the Indians attacked with impetuous fury. The battle raged during several hours, but it was lost from the very beginning, and when night closed down, it found one-half of General St. Clair's force—894 it is said—stark and stiff in death. It was the most disastrous defeat inflicted by Indians upon Americans until the battle of Little Big-Horn, almost eighty years afterward.

There was a rude ballad which was sung in the cabins of Ohio and Kentucky for many a year after, one verse of which is graphically descriptive.

"The word 'retreat' being passed around, there was a dismal cry.

"When helter-skelter through the woods, like wolves and sheep they fly;

"This well appointed army, which but a day before

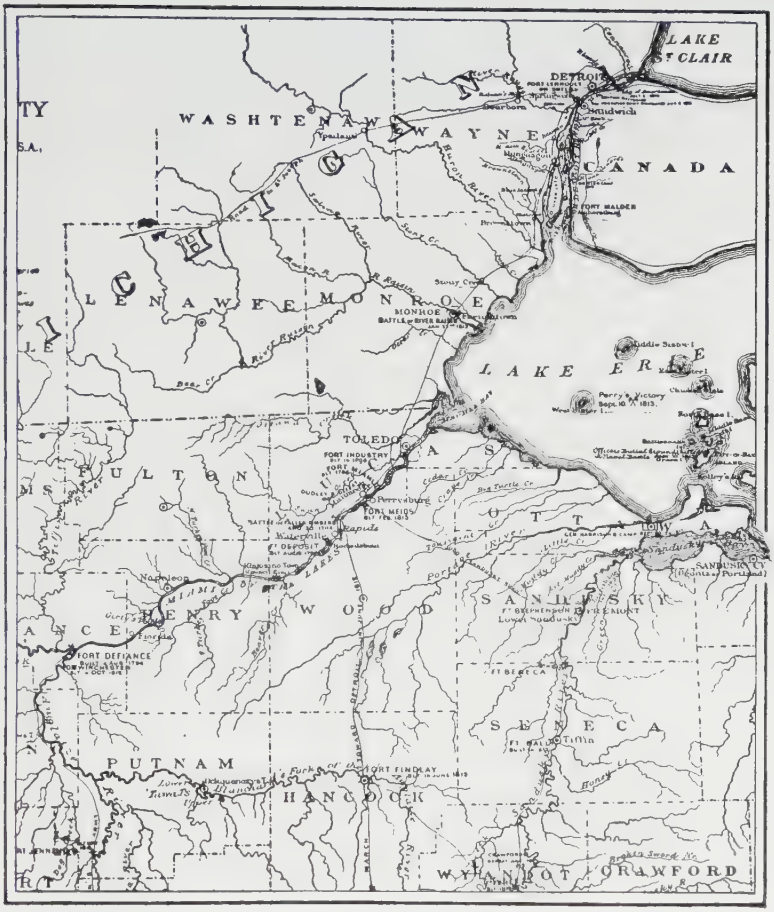
"Defied and braved all danger, had like a cloud passed o'er."

The practical failure of Harmar's expedition, and the crushing defeat of St. Clair's filled the west with rage and the country with consternation.

Washington saw clearly that unless the Indians could be defeated and thoroughly subdued, the Ohio country would thereafter be uinhabitable by white settlers, and that was just what the Indians were fighting for.

But the President determined to make one last effort for peace without further bloodshed, though of course, the Indian warriors were in no state of mind to listen to any proposition less than the Ohio river boundary, for which they had contended. But while Congress was going forward to prepare the men and the means for a new and much more formidable expedition, the President appointed a strong and able commission consisting of General Benjamin Lincoln, Beverly Randolph and Timothy Pickering, to treat for peace.

The great Council of the Indian Confederacy met at Grand Glaize in September, 1792, and agreed to meet the President's commissioners at the Rapids of the Maumee in the spring of 1793. It was July, 1793, when Brant and fifty sachems and warriors met them, but showed no disposition to treat in good faith. The commissioners were taken to the mouth of the Detroit river, where they were lodged at the house of Elliott, the



MAP OF BRITISH AND INDIAN CAMPAIGNS

notorious British Indian agent. All that part of the country from the Rapids of the Maumee to Detroit was then held by the British, and this conference was held within the British military lines. Here the chiefs announced to the commissioners their ultimatum; the withdrawal of the surveying parties; and the Ohio river as the Indian boundary. The commissioners declared to them that this was quite impossible, and the conference broke up, and the commissioners returned.

It is evident that the chiefs had been rendered confident and defiant by the defeat of Harmar and St. Clair.

Meanwhile General Anthony Wayne, to whom Washington had intrusted the command of the new expedition, was assembling and drilling his troops and preparing for the expected alternative. He had demanded as a condition of accepting command a longer term of enlistment for his troops, that there might be time for whipping the rude, undisciplined and often insubordinate frontiersmen and the rough and roystering recruits from the river towns into some semblance of real soldiers. He required two years as the term of service.

In April, 1793, he descended the Ohio river with about 2,500 men of his "legion," including infantry, cavalry and artillery, and encamped at Fort Washington (Cincinnati), where he was when he learned by special messenger of the failure of the commissioners, and knew that an Indian war was inevitable.

There now seems little doubt that this result was

brought about in great part by the machinations of the British, especially through the influence of McKee and Elliott, the British agents, and even of Governor Simcoe himself. Wayne appreciated the situation, and desiring to be prepared for any aspect the campaign might develop, he insisted upon a thousand mounted men from Kentucky, and an unusually large contingent of artillery. In fact so formidable did his force appear that it was claimed by the British officials that the expedition was really aimed at Detroit, rather than the Indian towns on the Miami. There may possibly have been some grain of truth in the idea.

Wayne had held several conferences with President Washington in regard to his expedition, and they may have talked of other things than the best way of fighting Indians.

It was already ten years since the treaty of peace was signed, and yet the British showed no intention of withdrawing from our territory, and international feeling was nearing the acute stage, and Wayne's force did look rather formidable in the items of artillery and cavalry for a strictly Indian campaign.

Be that as it may, the first thing on hand was to break the Indian confederacy, and so in September Wayne moved out from Fort Washington with 2,600 troops and was later joined by his thousand mounted men from Kentucky. On October 13th he reached and camped at a point six miles beyond Fort Jefferson, which he named Greenville, and where he spent the winter of 1793-4 in drilling and disciplining his men, secure

from the dissipations of the river towns, and accustoming them to forest life and the modes of attack and defense in Indian warfare. His mounted men were getting plenty of experience in protecting his line of supply, and all were becoming hardened and welded into a compact little army. Having built Fort Recovery on the scene of St. Clair's disastrous fight and slaughter, in the spring of 1794, he advanced slowly and cautiously building roads and block houses as he advanced, until in the beginning of August he arrived at the junction of the Auglaize and the Maumee, where he built Fort Defiance. The Indians had abandoned their towns and retired down the Maumee.

In June the Confederates had opened the campaign by a two days attack upon Fort Recovery, but had been beaten off with heavy loss. On the 28th of July, Wayne had advanced from Greenville to Fort Recovery, feinting with his cavalry in other directions. The Indians were at a loss to understand his strategy. It was wholly different from anything they had before encountered.

The region about the junction of the Great Glaize and the Maumee was the centre, or as Wayne called it the "Great Emporium" of the Indian Confederacy. Here were the most extensive cultivated fields in Indian America. There were almost continuous villages extending for many miles up and down the rivers.*

From this point, Wayne, desirous, in pursuance of Washington's policy, to make a last attempt for peace

*Hildreth History IV, 521.

without bloodshed, sent a message to the chiefs, offering a firm and lasting peace, upon the basis of the treaty of Muskingum. But the Indians were under British influences, and Governor Simcoe did not desire that this Indian thorn should be removed from the side of the new Northwest Territory, and the Indians retired to the immediate vicinity of Fort Miami at the foot of the Rapids, which Simcoe had caused to be erected in the spring of 1794. The building of this fort was regarded as an act of positive aggression upon our territory, and gave color to the claim that Governor Simcoe believed that General Wayne's real objective was Detroit, rather more than the Indian allies. Wayne continued his deliberate advance down the north side of the Maumee, and on the 19th of August arrived within five miles of Fort Miami.

On the morning of the 20th he advanced to the Lower Rapids, and within one mile of the British fort, upon which the Indians relied for moral if not military support, where he found the Confederated Indians drawn up in battle line under Chief "Little Turtle," assisted by Blue Jacket, with their left resting on the Maumee and their right extending nearly two miles inland.

The Indians were posted behind a "windfall" of timber which had been thrown down by a tornado. Wayne's plan of action was to first attack the center of the line, and when the action was well on, the center to fall back and draw the enemy from behind their

tornado-made stronghold, when he would push his real attack upon the two flanks with his mounted troops and take the savages in flank and rear. The plan did not work perfectly, the morning being rainy and the signal for the charge by the drums being imperfectly heard. But the mounted Kentuckians on the right, next the river, found a passage unobstructed by the fallen timbers, through which they poured, and turned in a fierce charge upon Little Turtle's left flank and rear. At the same time, Wayne's Legion charged in front, broke through the defense of fallen trees, and before the turning movement on the left could be executed, the Indians were completely broken and scattered in flight through the woods, with many of their most warlike chiefs slain in battle, and the hope of aid from the fort gone. When some of the vanquished would have taken refuge in the fort, they found the gates mercilessly closed in their faces.

The fort was occupied by three companies of the 24th Infantry (Royal) commanded by Major Campbell from the Detroit garrison. In pursuing the Indians, Wayne marched a part of his troops under the guns of Fort Miami (which was built on land belonging to McKee, the Indian agent) and against this indignity, as he regarded it, Major Campbell protested to Wayne. General Wayne replied in tart and rather undiplomatic language, in effect, that Campbell had no business there, as it was American soil, and the fort had been built since the treaty of peace, and intimated quite broadly

that if the Major was looking for trouble, he could have it on the shortest notice.*

With the close of the battle of Fallen Timbers, August 20, 1794, two great hopes perished in the same hour; first the hope of Brant and his fellow chiefs of restoring the Ohio as the boundary of the Indian country, and, second, the hope of the British of reannexing the Northwest Territory to the British possessions, and erecting a "buffer state" under savage domination between Canada and the American frontier.

It was probably not inopportune with reference to the execution of the Jay treaty that Major General Anthony Wayne, late of Stony Point, was in command of a large and well appointed and victorious army not far from the northwest posts.

The remnant of the Indian army to the number of 1,300 having taken refuge under the British flag at Detroit, Wayne now swept the valleys of the Maumee and the Auglaize with fire and sword, burning the villages, laying waste the fields and destroying the means of subsistence for the coming winter. Then he slowly retired to Greenville, where during the ensuing winter he concluded a preliminary treaty of peace with several

*Note. General H. M. Duffield in his historical address at the Centennial celebration of the evacuation of Detroit, July 11, 1896, says: "There is no doubt that in this battle (Fallen Timbers) a detachment of militia from Detroit were associated and fought with the Indians. General Wayne in his official report describes the enemy as 'a combined force of hostile Indians and a considerable number of volunteers and militia of Detroit.' A Mr. Smith, clerk of the Court at Detroit was killed in the action at the head of a company which fought against the Americans." But Hildreth regards this as "utterly improbable" though on what grounds he does not disclose. IV History 522. Also Gen. Cass' Address 45.

of the most influential nations, and agreed upon a general council at Greenville in June following.

Though Simcoe, McKee, Elliott and Girty still plotted and sought to stir up trouble, it was all in vain, for on November 19th, just three months after Fallen Timbers, Jay's treaty was signed in London by which it was definitely agreed that the posts should be surrendered by June 1, 1796.

CHAPTER VII

The Treaty of Greenville

THE battle of Fallen Timbers was not a great battle. The entire number actually engaged on both sides probably did not exceed four thousand, for a considerable part of Wayne's forces did not become actually engaged. But it was one of the decisive battles in American history. It terminated the Indian warfare which had continued almost without interruption since the settlement of the Ohio Valley began. It opened to white settlement all the region east of the Cuyahoga on Lake Erie, and the whole Ohio River Valley as far down as the mouth of the Kentucky river. It set at rest the long continued intrigues having for their ultimate object the restoration of the great northwest to British domination. It may not be said that it hastened the conclusion of Jay's treaty, but it can be said that the two worked admirably together, to bring about the surrender of the northwest posts to their rightful masters, and to end the constant irritation which their retention had produced. It brought peace with the Indian tribes, which, with only slight exceptions, continued until the eve of the second war with Great Britain, which came so near breaking out in 1794 instead of 1812.

This battle may be regarded in a certain sense as a Michigan battle. That due east line from the most southerly bend of Lake Michigan, indicated by the ordinance of 1787 as the boundary between Ohio and Michigan, and which in 1805 was explicitly made the southern boundary of the latter, crosses the Maumee at

the Rapids, and the latter part of the battle must have occurred in what was later Michigan Territory. A considerable part of the Indian warriors engaged were from Michigan—the Wyandots of the Detroit, Pottawatamies of the St. Joseph, Ottawas from L'Arbe Croche and Michilimackinac, and Chippewas from the "Sagana," from Thunder Bay and even from the far away Sault Ste Marie, participated. The garrison of Fort Miami was from Detroit, and unless General Wayne, General Cass and General Duffield have all been misled, a body of white volunteers from Detroit fought on the Indian side.

It must not be forgotten that at that time Detroit had never been in the possession of the United States, and, so far as we know, there was no one there who was loyal to the American cause.

On arriving again at Greenville (November 4) Wayne found means, through Tarhe, (the Crane), the only surviving chief of the Wyandots of the Sandusky, of opening up negotiations for peace, and an armistice was signed by several of the influential tribes which included an agreement on each part to promptly inform the other of any knowledge that should come to either of any movement that was being directed against the other party.

Wayne also caused it to be made known to the tribes that he was ready to treat with them for a permanent peace on the basis of the treaty of Fort Harmar, or the Muskingum, as it was otherwise called, and he invited all the sachems and warriors to come to Green-

ville in June for a general conference with a view to such a treaty. In preparing for and in conducting this important conference, Wayne showed as great skill and *finesse* as a diplomat, as in his campaign he had exhibited ability as a strategist and courage of the highest order as a soldier. By his frank, open, soldier-like manner of treating the chiefs and warriors, he quickly gained their confidence, and this confidence increased until on August 3rd the engrossed treaty was signed by every tribe represented.*

The first chiefs arrived on the 10th of June, and on the 16th the great council fire was formally kindled, and it was not allowed to go out until the treaty was fully signed, and the price of the cessions paid. Each delegation on arriving put forward one or more orators to make a speech to Wayne, to which he always replied in kind, adopting the Indian style of oratory.†

By this treaty lasting peace and amity were declared between the tribes and the United States, always spoken

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*Note. The entire proceedings of this famous council may be found in American State Papers, Vol. V. The nations represented and the number of each were as follows: Wyandottes 180; Delawares 381; Shawanese 143; Ottawas 45; Chippewas 46; Pottawatamies 240; Miamies and Eel Rivers 73; Weas, Piankeshaws 12, Kikapoos and Kaskaskias 10; Total 1130. See also report of John Askin, Jr., to Colonel England in the appendix, for a good side-light.

†Note. As each delegation arrived Wayne greeted them heartily saying "Brothers, I am glad to take you by the hand." At the end of the speech-making on June 16th, Wayne closed the conference as follows: "Brothers, the Heavens are bright, the roads are open, we will rest in peace and love and await the arrival of our brothers (delegations not yet come). In the interim we will have a little drink to wash the dust from our throats. We will on this happy occasion be merry without however passing the bounds of temperance and sobriety." This is a fair sample of Wayne's style of address to the warriors. See Am. State Papers, Vol. V.

of by the Indians at the council as "the Fifteen Fires."

The tribes declared themselves under the protection of the United States, and of no other power whatever.

Gifts amounting to $20,000 were to be paid down, and $9,500 annually forever, in proportions agreed upon, to be distributed among the tribes; all prisoners were to be exchanged. In consideration of the premises, the tribes ceded to the United States all the territory south and east of a line following the Cuyahoga river from its mouth to the portage to the Tuscarawas and down that river to the forks near Fort Laurens; thence westward to Lorimer's store, near the head of the great Miami, thence to Fort Recovery, thence southwestward to a point on the Ohio river opposite the mouth of the Kentucky river. The country west of this line was thereafter known as "the Indian Country," and when a few years later the Northwest Territory was divided, the dividing line between the Eastern District and the Indian Territory, followed the treaty line from the mouth of the Kentucky river to Fort Recovery, and thence ran due north to the Canada boundary,* dividing the coming territory of Michigan into two parts, about on the line between Jackson and Calhoun counties, the western part being in the Territory of Indiana, and the eastern part in the eastern district of the Northwest Territory.

In addition to all the lands east and south of this treaty line, the Indians ceded to the United States a

*Annals of Congress, May 7, 1800.

number of reservations around the chain of forts extending from the Rapids of the Maumee to Fort Recovery, and several in what afterward became Indiana. The articles especially affecting Michigan were the 12th and 13th, as follows:

"12. The Post of Detroit and all the lands to the north, the west and the south of it, of which the Indian title has been extinguished by gifts or grants to the French or English governments, and so much more land to be annexed to the district of Detroit as shall be comprehended between the River Rosine (sic) on the south and the south end of Lake St. Clair on the north and a line, the general course of which shall be six miles from the west end of Lake Erie and the Detroit river."*

"13. The post of Michilimackinac and all the land on the island on which the Fort stands, and the main land adjacent, of which the Indian title has been extinguished by gifts or grants to the French or English governments, and a piece of land on the main to the north of the Island to measure six miles on Lake Huron or the strait between lakes Huron and Michigan, and to extend three miles back from the water of the lake or strait, and also the island of Bois Blanc, being an extra and voluntary gift of the Chippewa nation."

The cession at the new British fort at the Rapids of the Maumee was twelve miles square, a large part of which fell within the future Territory of Michigan.†

This treaty for the first time would have opened up to survey and sale the "six mile strip" from the river Raisin (named in the treaty "Rosine"); but that ter-

*American State Papers Vol. V. This was the first real cession of this "six mile strip."

†This was afterward recognized by the Act of Congress of April 23, 1830, "For the relief of Gabriel Godfrey and Jean Baptiste Beaugrande" by which the president is authorized to issue a patent to the above named parties "under an act entitled an act regulating grants of land in the Territory of Michigan" to certain lands designated on the plat of survey of the United States reserve of twelve miles square on the Maumee of the lake as 529, etc. 9 Debates in Congress.

ritory was then (August, 1795) in the possession of the British who still refused to yield it up; but a few days before the conclusion of the treaty of Greenville, a special messenger arrived at that post bringing to General Wayne an authenticated copy of "Jay's Treaty" which had been signed at London on November 19, 1794. At that time there were no steamships, and no regular packet lines, and communication was slow and uncertain. The copy of the treaty was entrusted to an American sea captain, one David Blaney; but winds were contrary, and the senate had already adjourned before Blaney reached Philadelphia, the temporary capital. The senate was summoned in special session on June 8, 1795, and on the 24th of that month the treaty was ratified by exactly the necessary vote and not one to spare. But that did not end the opposition to the treaty. A most violent partisan attack was made upon it, and every influence brought to bear to prevent its ratification by President Washington; but on August 14th it was finally ratified and a messenger at once dispatched to advise General Wayne, and it reached him just in time to influence the signing of the Indian treaty.

Wayne read to the assembled chiefs and warriors Article II of the Jay treaty which declared:

"His Majesty will withdraw all his troops and garrisons from all posts and places within the boundary lines assigned by the treaty of peace to the United States" such withdrawal "shall take place on or before the first day of June, 1796." This, of course, included Detroit, Michilimackinac and other northwest posts, as well as the fort at the Rapids of the Maumee.

Little Turtle and his followers who had been standing out persistently against the proposed treaty, now saw that they were deserted by their "Great British Father" across the water, and that they were in a few months to lose all the moral and material support of the military posts, and that as the King had made peace and fixed the boundaries without consulting them, so now, contrary to the hopes and promises held out to them by McKee, Elliott and the other emissaries of Governor Simcoe and Lord Dorchester (Sir Guy Carlton, Governor at Quebec), he had, without warning, left them alone to deal with the "fifteen fires." There can be little doubt that the timely arrival of Jay's treaty was the deciding factor in procuring the unanimous signature of the treaty of Greenville, which gave peace and quiet to the western frontier, until a new Indian leader came to the front in the person of the great Tecumseh.*

But the opposition to the Jay treaty had not yet exhausted itself, and when Congress again met on December 7, 1795, a most virulent assault was made in the house upon the treaty, and upon Jay and the administration of Washington for negotiating it, and it was not until April 30, 1796, that a resolution was passed declaring it was expedient to pass the necessary laws for carrying the treaty into effect.

On the second day of June, 1796, the order was

*Note. "It was a grand tribute to General Wayne that no chief or warrior who gave him the hand at Greenville ever again 'lifted the hatchet' against the United States. There were malcontents at the Wabash and Lake Michigan, who took sides with Tecumseh and the Prophet in the War of 1812, perhaps for good cause, but the tribes and their chiefs sat still." King, 262.

signed at Quebec for the evacuation of Detroit by the British garrison, and on July 7th, Colonel John Francis Hamtramck,* then in command at Fort Miami at Maumee Rapids, which the British had evacuated late in June, forwarded to Detroit two small vessels conveying a detachment of artillery and infantry, numbering in all 65 men, with some cannon and ammunition, all under the command of Captain Moses Porter. Upon their arrival at Detroit, the remnant of the British garrison which had not already taken its departure to the Canada side of the river, with Colonel Richard England the commandant, evacuated the fort and town, and the American flag was raised for the first time over Detroit —which then meant Michigan—*on the 11th day of July, 1796.*

On the 13th Colonel Hamtramck arrived and took command of the post.

At the beginning of June General Wayne was commissioned by the president to take possession of the posts in the name of the United States, and, armed with civil and military powers, after visiting other posts, he

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*Note. Colonel John Francis Hamtramck was born at Quebec August 16, 1756. He came to the states as a youth and served in the revolutionary war, and as recorded on his tombstone now in Mount Elliott cemetery, Detroit, "His heroism and uniform good conduct procured him attentions and personal thanks of Washington." When Harmar's regiment was organizing for the campaign against the Indians in 1789, Hamtramck was appointed a major of infantry, and when General Wayne was forming his "Legion" in 1793, he was promoted lieutenant colonel and placed in command of a sublegion.

In October, 1794, after the victory at Fallen Timbers in which he commanded Wayne's left wing, he was placed in command of Fort Wayne, Indiana, which he retained until June 1796, when he took possession of Fort Miami, and in July assumed command at Detroit which he held until his death, April 11, 1803, at the age of 45 years, 7 months and 28 days.

Anty Wayne

arrived at Detroit in September, and remained until the middle of November.

Leaving Detroit about the middle of November, Wayne proceeded by water to Presque Isle (now Erie, Pennsylvania) where he was seized with an attack of the gout, which had troubled him for years. He was removed to the quarters of the commandant, where he lingered in much suffering until December 15, 1796, when he passed from earth, and at his own request was buried on a high hill near the fort overlooking Lake Erie.

Among all the benefactors of Michigan, none can take rank above Anthony Wayne.*

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*Anthony Wayne was born at East Town (also known as Waynesboro) Pennsylvania, January 1, 1745, was a member of the House of Representatives, 1773, served in the Revolutionary Army, was promoted a brigadier general and commanded the "Pennsylvania line." On July 15, 1779, he commanded at the storming of Stony Point on the Hudson, and though desperately wounded, was borne into the fort with the storming column. In the southern campaign he was sent to Georgia, where he served under Major General Nathaniel Greene.

At the close of the revolution he removed to Georgia where he resided upon a tract of land granted him by the state of Georgia in grateful recognition of his services to that state, there he was chosen a delegate to the state constitutional convention of 1787.

In 1790 was elected from Georgia a representative in Congress, but his election was contested and on March 21st, 1792, his seat was declared vacant. He refused to stand again for Congress, but Washington once more summoned him to military life by appointing him major general and commander in chief of the little army. The remainder of his story—the raising and discipline of the Legion, the campaign against the Northwestern Indians, the victory of Fallen Timbers, the treaty of Greenville, the taking possession of the frontier posts; the two months as commandant and governor at Detroit and his premature death at Erie, while still in the prime of his powers—all these have been told in the foregoing text.

For a very good short sketch of General Wayne, see the "Centennial Celebration of the Evacuation of Detroit" compiled by C. M. Burton, Detroit, at page 56. Wayne's Journal may be found in Vol. 34, Michigan Pioneer and Historical Collections.

CHAPTER VIII

The First Great "Land-Grabs"

BUT we must turn our attention now to some events which though they left no permanent results, yet but for a miscarriage might have very deeply affected the subsequent history of Michigan.

There is an impression that there has been some "land grabbing" in recent years by great "ranchers" in the west, and timber and mining millionaires in the great timber and mineral states; but compared with some of the great land "deals" in the first two decades after the treaty of peace, they are very tame affairs.

The first great land "deal" made by the United States was the sale made to Manasseh Cutler and his associates, in 1787, of about 6,000,000 acres of best lands in the Ohio Valley at about 66 cents per acre. In this were concerned, as Cutler naively expresses it, "some of the leading characters of America," among them such men as Alexander Hamilton, Samuel Dexter, Henry Knox, Secretary of War, three governors of Massachusetts, a vice-president of the United States, three governors of Connecticut and Rhode Island, a United States senator, the postmaster general, a justice of the Supreme Court, and the president of Harvard College.*

So far as concerned the Ohio Company, the purchase was for legitimate and honorable purposes of settlement and the founding of a new commonwealth; but as to the Scioto Company, of which Colonel Duer was

*Ryan, Ohio, 33.

the chief promotor, it was an illegitimate speculation, a fraud alike upon the United States and upon the innocent immigrants upon whom they palmed off their worthless titles. Encouraged by the example of the Scioto Company, companies were organized to speculate in the lands of individual states. Of the seven millions of acres which New York possessed, five and a half millions had been disposed of at a single sale, for about a million dollars.*

The public lands of Pennsylvania had nearly all been bought up by speculators. The public lands of Virginia and North Carolina were already covered by land warrants theretofore issued.

The speculators next turned their attention to lands claimed by the state of Georgia lying between the Chattahoochee and the Mississippi rivers. The title of Georgia to these lands was somewhat more than doubtful. A part were occupied by the Indian tribes and a large portion claimed by the United States, by virtue of the treaty with Great Britain.

But nevertheless the legislature during 1794 had sold to four companies, including some of the most eminent citizens of the country, a vast tract of these lands, and these speculators had succeeded in selling out at a great advance to other speculators in the middle and northern states.†

It was believed that this action by the legislature of Georgia had been procured by corrupt means; and,

*IV Hildreth, p. 581.
†Hildreth, Vol. IV, p. 582.

stimulated by their success, a scheme was concocted to "gobble up" nearly the entire lower peninsula of Michigan. It was in 1795 while the treaty of Greenville was still pending, that one, Dr. Robert Randall of Maryland, visited Detroit for the purpose of interesting certain Detroit merchants and capitalists in no less a scheme than the purchase of all the rights of the United States in 20,000,000 acres of land in the peninsula for the sum of $500,000.

He had associated with him one Whitney of Vermont, who was looking after New England, while other confederates were "interesting" members of Congress, as members of the Georgia legislature had been "interested" the year before.

Among the local people at Detroit who had entered the "combine" were said to be John Askin (merchant and Indian trader) Robert Innes, William Robertson, David Robertson and Jonathan Shiffelin.*

The entire capital stock was divided into 41 shares of which five were apportioned to the Detroit parties, six to Randall and Whitney and their associates, and thirty were allotted to members of Congress to "influence" them.†

Overtures had been made to a number of members of Congress—just how many is not known—among them Giles of Virginia, Smith of South Carolina, Murray of Maryland, and others. Randall boasted that he had already "secured" thirty members.

*Centennial Celebration of Evacuation, 89.
†Whiting, Historical Sketches.

But Murray exposed the whole scheme on the floor of the house; Randall was arrested, brought to the bar of the house, tried for attempted bribery, convicted of high contempt, and sentenced to be reprimanded and held in custody to the end of the session.* The exposure was fatal to the whole scheme, and this attempted "land-grab"—not the last be it said,—fell flat and came to naught.

It might be interesting but not profitable to speculate what the effect would have been upon the future of Michigan had this gigantic scheme succeeded.

Among other things the promotors promised that through the influence of their Detroit representatives they would maintain peace and amicable relations with the Indians of the peninsula.

For many years the Randall-Whitney attempted bribery and purchase has been a forgotten episode in the region which their ambition and greed would have made a proprietary estate. Most of the resident promotors were British adherents, and it is probable the whole intrigue would have come to naught after American occupation.

But meanwhile Michigan remained a part of the as yet undivided Northwest Territory. In 1798 that territory reached the second stage of territorial government, entitling it to an elective territorial council, and on October 29th Governor St. Clair issued his proclamation calling for the election of territorial representatives. The election was by districts, and Wayne county embrac-

*Hildreth, Vol. IV, p. 583.

ing the whole lower peninsula of Michigan and a large part of Ohio and Indiana was entitled to one representative.*

We have found no election returns from that part of Wayne county now included in Michigan, but it would seem certain that an election was held at Detroit in December, 1798; if so, it was the first time the elective franchise was ever exercised, under the laws of the United States, in what is now the Peninsula State.

It would appear from the letter of Peter Audrain, which appears in the Appendix, Note E, that James May of Detroit, was chosen representative. It would seem also that this election was set aside for some reason, a new proclamation of the Governor having assigned *three* delegates to Wayne county. A new election was held at Detroit January 14 and 15, 1799, at which four candidates were voted for, to wit: Charles Chabert de Joncaire received 68 votes; Jacob Visger 63 votes, Oliver Wiswell 37 votes, and Louis Beaufait 30 votes.† Joncaire, Wiswell and Visger were declared elected.§ There is some confusion and lack of record in regard to this first assembly. Wiswell, though

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*Wayne County as established and proclaimed by Governor St. Clair was bounded as follows: north by the international boundary; east by the international boundary and the Fort Harmar treaty line to Fort Laurens; south by the treaty line to the portage between the Miami and the St. Mary's river; thence to Fort Wayne, thence northwest to the head of Lake Michigan, on the west by a line which included all streams flowing into Lake Michigan.

†Michigan Pioneer Collection, Vol. 8, p. 509.

§A note is made on the original return, by Peter Audrain, Clerk of the Election, that Chabert Joncaire declined the election as he had not resided in the territory for three years.

declared elected, did not serve, and Chabert Joncaire, though at first he declined, *did* serve. Solomon Sibley, though not voted for and not chosen at this election, appears to have served in place of Wiswell.* We have not been able to solve the mystery by any record we have found, but it seems probable that Wiswell resigned and Solomon Sibley was appointed or elected at a special election in his place, for "on Sept. 28 Solomon Sibley appeared and took his seat."†

The letter of Peter Audrain, clerk of the election, and afterward secretary to the governor and judges of Michigan, now printed for the first time, will be found exceedingly interesting and illuminating in regard to politics and social conditions at Detroit at the close of the eighteenth century. Before the next election Michigan was set off to Indiana Territory, and it was a score of years before she again had the privilege of voting for her law makers. This fact adds greater interest to the election of 1798-9.

February 4, 1799, the representatives elected under the Governor's proclamation met at Cincinnati and nominated ten resident freeholders, possessed of freeholds of 500 acres each, as required by the ordinance of 1787, to constitute a legislative council.§

This is an important date, being the very first time Michigan was ever represented in any legislative body

*Burnett's Notes, 298.

†Burnett's Notes, p. 448.

§In 1801, after the division of the Northwest Territory, Major Jonathan Shiffelin, of Detroit, sat as a member of the second general assembly of the territory, as a representative from Wayne County. King, 283.

except an Indian council. Out of the ten so chosen five were appointed by Congress to constitute the council, as required by the ordinance. The representatives adjourned until September 16, 1799, but no quorum appeared until the 23rd, when the first general assembly of the Northwest Territory was organized by the election of Edward Tiffin as speaker of the house, and Henry Vandenburgh, president of the legislative council. Twenty-two representatives from nine counties sat in this assembly.

Among the earliest business brought before the assembly was a petition for liberty to bring slaves into the territory. But the ordinance of 1787 was now a sword and a shield, and the petition was unanimously refused. Under that clause of the ordinance which provides that "as soon as a legislature shall be formed in the district, the Council and House, assembled in one room, shall have authority by joint ballot to elect a delegate to Congress," the legislature proceeded at this session to elect William Henry Harrison, who in the year before had succeeded Major Winthrop Sargent as secretary of the territory, as first delegate from the Northwest Territory to the Congress of the United States.

On December 19, 1799, Governor St. Clair prorogued the legislature and fixed the first Monday in November, 1800, as the day of its next meeting.

It will be interesting to turn now to Michigan proper, which is soon to emerge from the larger territory, and get some idea of the condition of things there during the last decade of the 18th century.

One Isaac Weld, an English traveler visited Detroit in 1795-6, and in 1799 published his observations, and he gives us a contemporaneous view of the situation at Detroit. He says: "Detroit contains about 300 houses, and is the largest town in the western country. It stands contiguous to the river on the top of the banks which are here about 20 feet high. At the bottom of them there are very extensive wharves for the accommodation of the shipping, built of wood similar to those in the Atlantic seaports.

The town consists of several streets that run parallel to the river, which are intersected by others at right angles. They are all very narrow, and not being paved are dirty in the extreme whenever it happens to rain. For the accommodation of passengers, however, there are footways in most of them, formed of square logs laid transversely close to each other.

The town is surrounded by a strong stockade through which are four gates, two of them open to the wharves and two others to the north and south side of the town respectively." * * *

"Detroit is at present the headquarters of the western army of the states; the garrison consisting of 300 men, who are quartered in barracks. * * *

"About two-thirds of the inhabitants of Detroit are of French extraction, and the greater part of the inhabitants of the settlements on the river, both above and below the town, are of the same description. The former are mostly engaged in trade, and they all appear to be much on an equality. Detroit is a place of very consid-

erable trade; there are no less than twelve trading vessels belonging to it, brigs, sloops and schooners, of from 50 to 100 tons burden." * * * The stores and shops in town are well furnished and you may buy fine cloth, linen, etc., and every article of wearing apparel, as good in their kind, and nearly on as reasonable terms as you can purchase them at New York or Philadelphia."

"The streets of Detroit are generally crowded with Indians of one tribe or another, and among them you see numberless old squaws leading about their daughters, ever ready to dispose of them, pro tempore, to the highest bidder. * * * The country around Detroit is uncommonly flat and in none of the rivers is there a fall sufficient to turn even a grist mill."*

Another contemporary description of Detroit, in 1793, is given us by O. M. Spencer, who as a boy of 12 was taken prisoner by the Indians, and was ransomed by Colonel Richard England, through the efforts of President Washington. Although so young he gives a very intelligent account of the town and especially of old Fort Lernoult.† He says, "In the northwest corner of the large area enclosed with pickets, on ground slightly elevated stands the fort. It is separated from the houses by an esplanade, and is surrounded, first, by an abatis of tree tops about four feet high, having the butts of the limbs sharpened and projecting out-

*Centennial of Evacuation of Detroit (Compiled by C. M. Burton). 90.

†Name changed to Fort Shelby by General Wayne.

ward; then by a deep ditch in the center of which are high pickets; and then by a row of light palisades, seven or eight feet long projecting horizontally from the glacis.

The fort itself covers not more than half an acre of ground. It is square with a bastion at each angle, and with parapets and ramparts so high as to entirely shelter the quarters within which are bomb-proof."*

Young Spencer remained at the fort for several months as the ward of Colonel England. Spencer also gives us some account of the British navy at Detroit, which it may be well to bear in mind when we come to the events of 1812.

"Anchored in the river in front of the town are three brigs of about 200 tons each. The Chippewa and the Ottawa are new and carry eight guns each. The Dunmore is an old vessel and carries six guns. There is a sloop, the Felicity, of about 100 tons, armed with two swivels. These vessels all belong to his majesty, George III, and are commanded by Commodore Grant." (Centennial of Evacuation, p. 108).

Such was Michigan in the closing years of the 18th century, and the day was now near when she was to assume a name and an indentity of her own.

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*Centennial of Evacuation of Detroit (Compiled by C. M. Burton) p. 106.

CHAPTER IX

Organization of Michigan Territory

THE first section of the Ordinance of 1787 provided "That the said territory, for the purposes of temporary government, be one district, subject however, to be divided into two districts, as future circumstances may in the opinion of Congress make expedient."

As early as 1797 a division of the vast extent of the territory began to be agitated.

In 1798, as before stated, Captain William Henry Harrison, who had served in Wayne's campaign as an ensign, and who had signed the treaty of Greenville as "Ensign and A. D. C. to M. G. Wayne," was made secretary in place of Colonel Sargent, who had been appointed governor of the Territory of Mississippi.

In December, 1799, Harrison was elected delegate in Congress, and in March following resigned as territorial secretary to enter Congress, where he was made chairman of a committee on the division of the Northwest Territory.

Through Harrison's influence, the committee reported favorably, and on May 7, 1800, the act passed making the division. The dividing line followed Wayne's treaty line from a point opposite the mouth of the Kentucky river to Fort Recovery, and thence due north to the international boundary. The eastern part was known as the Eastern District, and the vast stretch to the westward, usually known as "the Indian Country" was now designated as Indiana Territory, and William Henry Harrison was appointed governor of that territory,

which office, as well as that of Indian agent, he held until 1813, when he was appointed Major General in the war with England.

From this time until the organization and admission to the Union of the State of Ohio, February 19th, 1803, Michigan had a divided allegiance, that west of the meridian of Fort Recovery being part of Indiana Territory, and that east of that point belonging to the Eastern District of the Northwest Territory.*

On April 30, 1802, Congress passed the act to enable Ohio (that part of the Eastern District lying east of a north and south line passing through the mouth of the great Miami river, and south of a line projected due east from the most southerly bend of Lake Michigan) to form a state constitution, and to be admitted to the Union on an equal footing with the original states. On the taking effect of this act, the whole of Michigan was attached to the Territory of Indiana, and so remained until June 30, 1805, when the act organizing the Territory of Michigan took effect.

Before passing from the relation of Michigan to the old Northwest Territory, of which it formed a part from 1787 to 1805, a few parting words are due to Governor Arthur St. Clair, who was for 15 years governor over this Territory, though so far as we know, he never visited this part of his extensive domain. In doing so, the briefest possible sketch of his career is desirable. General Arthur St. Clair was born in Scotland in 1734

*November, 1801, Solomon Sibley of Detroit, sat at Chillicothe Ohio, as a member of the Legislative Council, vice Vanderburgh, set off to Indiana Ter.

and came to America in 1758 with the British troops in the French-Indian war. He resigned his commission in 1762 and settled in Westmoreland county, Pennsylvania in 1764; in 1775 he was made colonel of the colonial militia. He served through the Revolutionary War and was a delegate in Congress from 1785 to 1787, and in the latter year was elected president of Congress, and chosen governor of the Northwest Territory; in 1791 he was made a major general and commander of our diminutive army in the hostilities against the Indians; and suffered a most disastrous defeat in November of that year. From that time his popularity declined. He was investigated by a committee of Congress, and though acquitted of serious fault, he never regained his lost prestige. St. Clair was a devoted friend and admirer of Washington and a most ardent and uncompromising Federalist, while in this transition period the Jeffersonian democracy was getting the upper hand in the nascent state of Ohio.

On November 1, 1802, the Ohio constitutional convention met at Chilicothe, the new capital, and on the third, Governor St. Clair addressed the convention, and in his remarks aroused the animosity of the friends of Jefferson, then president. The counter stroke came quickly. Under date of November 12th, he was notified by James Madison, Secretary of State, "that your commission of governor of the Northwest Territory shall cease on the receipt of this notification."*

*St. Clair papers I. 244-46.

St. Clair retired to his Pennsylvania home near Ligonier where he spent the remainder of his days.

He had incurred liabilities while general which the government refused to honor, and his entire fortune was swept away by his creditors, and even the pension eventually granted him by Congress went the same way. His old age, spent in extreme poverty and dependant upon a daughter, was most pathetic. He died August 31, 1818, at the age of 84.*

Such was the first American governor of Michigan. Personally he was kindly in disposition, urbane in manners, refined in character, but he was somewhat aristocratic and autocratic in his ideas of public office.

By Article 5th of the "Compact" contained in the Ordinance of 1787, it was provided that:

> "There shall be formed in the said territory not less than three nor more than five states; and the boundaries of the states shall become fixed and established as follows, to wit: The western state in the said territory shall be bounded by the Mississippi, the Ohio and the Wabash rivers, a direct line drawn from the Wabash and Post St. Vincent due north to the territorial line between the United States and Canada, and by the said territorial line to the Lake of the Woods and Mississippi. The middle state shall be bounded by the said direct line, the Wabash from Post St. Vincent to the Ohio, by a direct line drawn due north from the mouth of the Great Miami to the said territorial line and by the said territorial line."

The rest and remainder was to be the third state. A *proviso* was added "that if Congress shall hereafter find it expedient, they shall have authority to form one or two states in that part of the said territory which lies

*Hinsdale's Northwest 303.

north of an east and west line drawn through the southerly bend or extreme of Lake Michigan."

In the act setting off the Territory of Indiana, it was provided that whenever that part east of the meridian passing through the mouth of the Great Miami should be erected into an independent state, thenceforth said line shall become and remain the boundary line between said state and the Indiana Territory. Act May 7, 1800.

This would seem to indicate that at that time Congress expected only three states to be formed out of the entire Northwest Territory, but as we have seen when on April 30, 1802, the enabling act for Ohio was passed, the proposed state was bounded on the north by the "east and west line drawn through the southerly bend or extreme of Lake Michigan," thus clearly indicating that Congress had then concluded to form at least one state north of that line.

When the bill to organize the Territory of Michigan was passed January 11, 1805, bounding it on the west by a north and south line through the middle of Lake Michigan* it became clear that the full number of five states were to be formed, and eventually the greater part of a sixth state, Minnesota, was carved out of the "old Northwest."

On the 17th day of February, 1804, the house of representatives had before it a bill from the senate "to divide the Indiana Territory into two separate governments." A select committee to which the bill had been referred, recommended the rejection of the bill.

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*Sec. 14 Annals of Congress, 1659.

This bill proposed to erect a new territory north of the line extending east and west from the southerly extreme of Lake Michigan.*

The report was opposed, and the new territory favored by Lucas (Pa.) Jackson (Va.) Sloan (N. J.) and Morrow (Ohio) who had taken his seat as the first representative of that new state on October 17, 1803. The question being on agreeing to the report, it was decided in the negative. The senate bill was then read a second time and so amended as to designate the new territory by the name of *Michigan,* instead of Northwestern Territory, and the committee then rose and reported the bill to the house which ordered it to a third reading on the morrow.†

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*In 1804 a public meeting was called and held in Detroit and a memorial to Congress adopted, asking that the Territory of Michigan be organized.

†The following from the New York Commercial Advertiser of February 29, 1804, gives a contemporaneous account of this naming of the "Territory of Michigan."

("From The Commercial Advertiser of Feb. 29, 1804.) News of the National Legislature. The House (Feb. 17) went into a committee of the whole—Mr. Varnum in the chair.—On the report of a select committee on the bill from the Senate, to divide the Indiana Territory into two separate governments. The report, for reasons assigned, recommends a rejection of the bill.

The report was supported by Messrs. Grigg and Lyon, principally on the ground that the population around Detroit was too small to justify the expenses attending a separate territorial government, and on the ground that if the advantages derivable from a separate government were conferred on them, the right would be claimed, with equal justice, by several detached settlements on the Mississippi and Louisiana territories.

The report was opposed by Messrs. Lucas, Sloan and Jackson and Morrow on a variety of grounds. They contended that equal justice was done to every member of the American community, and that, of course, however small the population, it was entitled to the same protection with a community of larger population; that it was unjust to deprive the citizens about Detroit of the benefits resulting from the administration of justice; that Michili-

Jefferson in his original draft of the ordinance of 1784 provided for a state to be called Michigania, between Lake Michigan and the Mississippi river, but this was stricken out, and this amendment made on the 17th day of February, 1804, so far as we have been able to discover, was the first time the name MICHIGAN was ever officially applied to the peninsula lying between Lakes Michigan and Huron.

The amendment necessitated the return of the bill to the senate, and the first session of the 8th Congress adjourned March 27th, 1804, without the passage of the bill. The second session convened on November 5, 1804, and the *Michigan* bill was taken up, and such progress was made that on January 11, 1805, the ACT TO ESTABLISH AND ORGANIZE THE TERRITORY OF MICHIGAN became a law, but not to take effect until June 30, 1805. The government of the new territory was modeled upon that of the Northwest Territory, and the administration was confided to a governor, a secretary and three judges appointed by the president, by and with the consent of the senate of the United States.

The governor and judges jointly constituted the legis-

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wackivoc, (sic) which exported produce valued at above $200,000, and from whose exports the United States derived a revenue of $17,000, was more than 800 miles from the present seat of government.

The question being put on agreeing to the report, it *passed in the negative;* yeas 34.

Then the bill from the Senate was read and so amended as to designate the new territory *by the name of Michigan* instead of North Western Territory, and the committee rose and reported the bill which was ordered by the House to a third reading tomorrow.

lature and were empowered to make and repeal all laws, but Congress retained a veto power over their legislation.

The first governor of Michigan Territory was General William Hull. As he will hereafter be a conspicuous figure in this history a brief sketch of his career will be in place at this point.

He was born at Derby, Connecticut, in 1753, and hence was fifty-two years old at the date of his appointment. He was graduated at Yale College, and studied divinity for a year; then turned to the law, and was admitted to the bar in 1775. That year he was chosen captain of a company and joined Washington's army at Cambridge. He continued in the service to the end of the war, and repeatedly distinguished himself, and was successively promoted to be major, lieutenant-colonel and colonel. He was present at the surrender of Cornwallis at Yorktown, the Appomattox of the Revolution. He commanded Washington's escort when he entered New York. All these things should be remembered when we come to the year 1812. In 1786, after a service of eleven years, he resigned from the army and commenced the practice of the law at Newton, Massachusetts. He was a member of the state legislature and a major general of militia.

During "Shay's rebellion" in 1787, he commanded one wing of General Lincoln's force. In fact it was largely due to Hull's energy and promptness that the revolt was so quickly subdued.

In 1793 he was appointed by Washington a com-

Wm Hull

missioner to treat with Indian tribes. In 1798 he visited Europe, and in 1805, March 1st, was appointed by President Jefferson first governor of the Territory of Michigan.

The other territorial officials were Stanley Griswold, secretary, and Augustus B. Woodward, Frederick Bates and John Griffin, judges. By the terms of the Act of Congress, this government did not go into operation until June 30, 1805, but before that date a startling event happened, the story of which is reserved to another chapter.

CHAPTER X

1800 TO 1812

DURING the period from 1800 to 1805, while Michigan was attached in whole or in part to the Territory of Indiana, no event of importance to Michigan transpired, unless the first act of Congress regulating the relations with the Indian tribes, and an act providing for the survey and disposal of lands to which the Indian title had been extinguished, be so classed.

The latter act was along the same lines indicated in the ordinance of 1787, and in the act to enable Ohio to form a state constitution.*

In consonance with the ordinance, Article III of the "Compact," declaring that "schools and the means of education shall forever be encouraged," every section 16 of the public domain was reserved for school purposes, and one entire township for a "seminary of learning." The latter became the foundation of the University of Michigan.

The startling event referred to in the close of the last chapter was the almost total destruction of Detroit, the capital of the new territory, by fire, before the arrival of the new officials, June 11, 1805.

Detroit was the oldest and most considerable town in the Northwest, having been founded in 1701 by Antoine de La Mothe Cadillac.

In 1762 it withstood a long Indian seige by Pontiac

*In 1802 a memorial or petition adopted by a convention held at Vincennes, the capital, was presented to Congress by Wm. Henry Harrison, asking that Art. VI of the compact, forbidding slavery, be suspended for 10 years.

and his Ottawa warriors and their allies. Like most, if not all, frontier towns situated on the far advanced outposts of civilization, and in the midst of a savage population liable to become hostile at any moment, it was rudely fortified by a stockaded fort, originally called by the French Fort Pontchartrain. In 1778 when Detroit was a British post and George Rogers Clark was threatening the Northwest, a new fort was built on the next ridge or terrace farther back from the river on the rise of land along which Fort street now runs, and on the spot where the new city post office is located. The population was still mostly French, and the town continued crowded within the old stockade near the river. "The fort (Lernoult) was on the outside of this stockade and behind the town. The buildings were of wood and contiguous to each other and combustible. The fire broke out in a stable at about ten o'clock in the morning * * * at the end of three or four hours but two buildings were standing, one a store house belonging to Mr. McIntosh, the other a bake-house at the water's edge. The entire population was thus rendered houseless."*

On the next day after "the great fire," June 12, 1805, Governor Hull and his officials arrived at Detroit only to find the capital a mass of smouldering coals and ashes, and the houseless people encamped in the fields adjacent to the fort, in tents and shacks and such makeshift shelters of boughs and bark and sail-cloth as could be collected for the purpose.

*Col. Henry Whiting, Historical Sketches, 123.

The governor and judges took the oath of office and on the 30th of the month, in accordance with Act of Congress of January 11th, the civil government of the Territory of Michigan, as such, was put in operation. Theretofore under French, British and American rule the military commander was the government.

At once difficulty arose in regard to rebuilding the town. Outside the old stockade, there was no one authorized to make deeds of building lots or to give title to lands. Congress had not as yet provided for surveys and sales.

Congress had adjourned on March 3rd, and did not meet again until December 2nd.

Meanwhile the governor and judges were doing what they could as the law-makers of the territory to alleviate the situation.

On October 10, 1805, they made an official statement to the president, to be transmitted to congress, of the destruction of the town, and the existing difficulties in regard to land titles.

On April 21, 1806, Congress passed an act "for the adjustment of land titles in the town of Detroit."

It authorized the governor and judges "to lay out a town, including the whole of the old town of Detroit and ten thousand acres adjacent, excepting such parts as the president of the United States shall direct to be reserved for the use of the military department, and shall hear, examine and finally adjust all claims to lots therein, and give deeds for the same."*

*15 Annals of Congress 1283.

The board so constituted commenced its sessions September 6, 1806, at the house of Governor Hull, who had been one of the first to build after the fire. There were present Governor Hull, Peter Audrain, secretary, the Chief Justice (Woodward) and Justice Bates. Asa Jones was appointed sergeant at arms of this august body. The Act of Congress was read and referred to Judge Woodward to recommend and report a plan of procedure.

On September 8, Judge Woodward made his report, and recommended the adoption of this resolution:

"Resolved, That it is expedient immediately to lay out and survey a town under said act of congress, and to adjust the titles and claims to lands and lots therein."* And thereupon a series of resolutions were adopted specifying the manner in which "it will be expedient" to allot and set apart the "donation lots."

Also the following resolution was adopted, which marks the first incorporation in the history of the Territory of Michigan: "Resolved, That it will be expedient immediately to incorporate the said town of Detroit into a city, and to provide by law for the government of the same."

On the same day Judge Woodward presented his bill for the incorporation of the city, and it was passed on the 13th under the title "An act *concerning* the city of Detroit."† Two days later, September 15, 1806, he

*Sheldon's Early History, Chapter XXI.

†It seems that the second General Assembly of the Northwest Territory passed an act of incorporation of Detroit, Nov. 1801. King, Ohio, 282.

presented and the council passed an act to incorporate the Bank of Detroit.

On March 3, 1807, congress passed an act regulating grants of land in Michigan Territory,* and on the same day disapproved an act of the governor and judges of the Territory of Michigan regarding the Bank of Detroit.†

It was in May, 1806, that the governor and judges adopted the body of laws which became known as the "Woodward Code."§ The board continued to adjust land claims and assign lots to the inhabitants throughout the year 1806, and a part of the next year, when, apparently, all had been adjusted that under the most liberal construction could be brought within the terms of the act of congress.

In order to comply with the act of congress of April 21, 1806, "to lay out a town, including the whole town of Detroit, and 10,000 acres adjacent," etc., it became necessary to have a plan for the new town.

This work appears to have been entrusted, like most other things, to Judge Woodward, and the plan upon which the City of Detroit has been built has been generally attributed to him.¶

The basis of this plan was a great central avenue, running back into the country at right angles with the strait or river, intersected by streets and avenues run-

*16 Annals of Congress 1280.

†16 Annals of Congress 1287.

§The "Woodward Code" consisted of 34 acts, passed between July 9, 1805, and Oct. 8, 1805. Printed at Washington, D. C., 1808.

¶Whiting Historical Sketches, 123-4.

ning at right angles thereto, and interrupted by two systems of radiating avenues at the "Campus Martius," and the "Grand Circus."

The general idea of the plan seems to have been taken from Major L'Enfant's then recently completed plan for the "Federal City," Washington, with its rectangular system of streets interrupted by radiating avenues diverging from the capitol and executive mansion. The plan of Detroit has been greatly ridiculed and much praised. Like the City of Washington, it affords a ready means for getting quickly and directly from the centre of the city, at the intersection of the main avenues, to the outlying districts and suburbs, with least expenditure of time and force, while at the same time it has all the advantages of a rectangular city. L'Enfant's plan of Washington has been praised by experts as an unusually fine conception, and what is fine in the Capital City cannot well be ridiculous in the metropolis of Michigan, though there may be now and then a building lot spoiled at the acute angles of the diagonal streets and avenues.

It must be constanly borne in mind that the Indian title had not yet been extinguished, except as to the six mile strip from the River Raisin to Lake St. Clair, and that even this strip had not been surveyed into lots and brought into market; therefore settlement was confined to the old French grants along the river front, and almost entirely within the six mile strip.

The only road—the one by which Hamtramck's and Wayne's troops had come ten years before—ran parallel

with the river, and kept near the water. The farms, such as they were, had a narrow frontage on the river and extended back into the forest. The houses were generally of a single type, one-story, wide-roofed, low-eaved, with dormer windows in the roof, surrounded by heavy palings or pickets, which being whitewashed, presented a neat and picturesque appearance from the river.

Hildreth, writing of the year 1812, and speaking of Governor Hull's arrival at Detroit, says "Hull's army reached Detroit, which contained at that time *only some 800 inhabitants.* The neighboring villages on the strait had about twice as many; the whole Territory of Michigan not much above 5,000, most of them of French origin."*

Where these "neighboring villages" were Hildreth does not intimate, but doubtless he includes Grosse Pointe, at the outlet of Lake St. Clair, and the almost continuous farms between there and the town of Detroit, and settlements on the River Rouge and at Brownstown below the town.

The village at Frenchtown or River Raisin could hardly be considered on the strait. There had been, from 1782 to 1786, a Moravian settlement on the Huron (Clinton) river, on the present site of Mount Clemens, where 27 log houses with outbuildings had been erected.†

*VI Hildreth 338.

†See petition of David Zeisberger and John Heckerwelder and others, in appendix "C" published herewith for the first time from the Askin manuscripts belonging to C. M. Burton, Detroit.

It is understood that on the removal of the Moravians in the spring of 1786, the improvements were bought up by John Askin, Sr., and that a permanent white settlement was made there; but the land belonged to the Chippewas until they ceded it by the treaty of Brownstown in 1807. There was but little change or growth between the years 1806 and 1812.

The great drawback in 1806 was the presence and title of the Indians. It was in that year that Tecumseh the Shawanese chief and his brother the Prophet were organizing or endeavoring to organize a great Indian Confederacy of the Ohio, Indiana and Michigan tribes to "build a dam" against white inroads.

The fear of another Indian war took hold of the people on the frontiers, and Michigan was then so remote from the Ohio and Kentucky settlements on the south, and from the New York settlements on the east, that emigrants were reluctant to plunge so far into the wilderness, and so remote from the succor of their white brethren. This fear took definite form at Detroit in the rebuilding and enlarging of the stockade, and the improving of the fort which had already gone to decay prior to American occupancy.

Moreover, as we have seen in the period prior to Wayne's treaty, the Indians naturally gravitated to the side of Great Britain, finding sympathy, encouragement and material assistance there; and now a new war cloud was looming across the Atlantic.

Under all these circumstances Governor Hull was instructed and commissioned to negotiate a treaty with

the peninsular and allied tribes, and a council was called to meet at Brownstown, on the river front below Detroit, where on November 7, 1807, was signed the treaty commonly known as the treaty of Brownstown or the treaty of Detroit.*

This treaty was concluded between the sachems, chiefs and warriors of the Ottawa, Chippewa, Wyandot and Pottawattamie nations, on the one part, and William Hull, Governor of the Territory of Michigan commissioner on the part of the United States, on the other. The aforesaid sachems, chiefs and warriors "cede, relinquish and forever quitclaim unto the United States, etc., beginning at the mouth of the Miami river of the Lake, (Maumee), and running thence up the middle thereof to the mouth of the great Auglaize river, thence running due north until it intersects a parallel of latitude to be drawn from the outlet of Lake Huron which forms the River St. Clair, thence northeast the course that may be found will lead in a direct line to White Rock in Lake Huron, thence due east until it intersects the boundary line between the United States and Upper Canada, thence southerly following said boundary line down said lake through River St. Clair, Lake St. Clair and the River Detroit into Lake Erie to a point due east of the aforesaid Miami river."

The consideration for this cession was $10,000 down in goods and money, and $2,400 annually to be divided among the tribes. The Indians were to have the right

*See VI American State Papers 746 for the full text of this treaty.

to hunt and fish upon the lands, so long as they belonged to the United States, and the said tribes placed themselves under the protection of the United States.

This treaty extinguished the Indian title practically to all that part of the territory east of the "principal meridian" of Michigan, and south of Saginaw (or Sagana) bay, for the treaty was so interpreted as to include the sources of all the streams flowing eastward and southward, along the northeast line from the principal meridian, on the county line between Clinton and Shiawasse counties to White Rock in Huron county on Lake Huron. And all this vast domain for $10,000 and an annuity of $2,400.

This treaty marks an epoch in the history of Michigan, for it opened up to survey and settlement the whole territory as far west as the site of Jackson, and as far north as Saginaw river and bay.

CHAPTER XI

A Stationary Period

FROM the year 1807 to 1812 there is not much to record in regard to the general growth or progress of Michigan Territory.* The settlements and population remained about the same. Some few American merchants and other people connected with the administration of the territorial government were coming in and settling at Detroit and along the river front; but as yet there were no roads leading into the interior, except Indian trails, of which the principal one led to the northward toward Michilimackinac and Sault Ste. Marie. This was the "war-path" which connected the Chippewas and Ottawas of the north with the Wyandots and Delawares, the Shawanees and Miamies on the south.

But the principal travel both of the whites and Indians was by water along the lakes, the straits and the rivers connecting them. Between these there were well-defined and well-trodden "portages," over which they carried their canoes and burdens. One very well known and much traveled route was that from the Michigan Peninsula by the Detroit river and Lake Erie to the mouth of the Cuyahoga river (present site of the city of Cleveland) thence up the Cuyahoga as far as navigable for canoes, thence by portage to the head waters of the Tuscarawas river, thence by the Muskingum, to the Ohio. A part of this route had been three times made a treaty line between the Indians and whites.

*But during this period much was done in the way of settling land titles in and about Detroit, thus preparing the way for subsequent growth.

Another famous portage was that between the headwaters of the Maumee (Miami of Lake Erie) and the sources of the Great Miami, and thence to the Ohio.

There were few of these portages in Michigan, as the travel was mostly on north and south lines, and by water on either side of the peninsula. There was a portage of considerable importance between the most southerly bend of the St. Joseph and the most northerly bend of the Wabash. But for purposes of settlement these Indian trails cut no figure.*

At this period there were no water mills of any kind in the territory. An attempt was made prior to 1795 to construct a floating grist mill on Detroit river, the wheel to be turned by the surface current of the river, but it proved a failure and was abandoned.† The grinding was done in windmills built by the French, of which several added picturesquesness to the Detroit, some even as late as the end of the territorial period.

Two things especially were keeping back the settlement of the territory: First, Michigan was bordered along its entire eastern boundary by Upper Canada, a British province, and liable at any moment to become hostile territory, exposing that whole frontier, from Sault Ste. Marie and Michilimackinac to Maumee bay, to invasion by the Indian allies of Great Britain, as well as by British troops; and the war-cloud had been gath-

*The great Pottawattamie trail led from the St. Joseph to the Detroit river. The great Chicago road was afterward laid out substantially on that trail.

†See Weld's travels, quoted in Centennial of Evacuation of Detroit, page 95.

ering, more and more portentous, since the opening years of the century. The other cause was the constantly increasing prospect of a new attempt by a confederation of Indians drawn together and led by the Shawanese twins, Tecumseh and his Prophet-brother Elsquatawa.

Tecumseh was an orator of great ability and eloquence. He was also a warrior of intrepid boldness, undoubted personal courage, and of considerable skill as a strategist. He died a brigadier general in the British service, at the battle of the Thames, October 5, 1813, and there is good reason to believe that he was not only a better soldier, but a more humane and honorable man than General Proctor, his English commander. Tecumseh was not a sachem of his tribe, nor even a chief of a band. His influence was gained by his personal shrewdness and eloquence.

Elsquatawa—the Prophet—was an unscrupulous fraud. He was, or pretended to be, a religious fanatic and great "medicine man." Their shibboleth was "no more Cessions of lands to the Whites." Between them, they left a bloody mark on the Territory of Michigan, at the Rapids of the Maumee, at the River Raisin, at Maguaga* and at Brownstown, until the end came on the banks of the Thames.

As early as 1807, Tecumseh began his work, traveling from tribe to tribe, exciting the discontented elements to unite in opposition to any more treaties ceding Indian lands to the United States. In 1809 he was

*Modern "Monguagon."

among the New York tribes, and claimed to have traveled as far south as Florida, and "so far north that snow covered the ground at midsummer."

In 1810 the British minister at Washington gave warning to our government that the Northwestern Indians meditated war.*

The Prophet had withdrawn from his tribe, the Shawanees, on the Wabash, with his followers, and had established (1806) a village of his own near Greenville, on the Ohio line, where he set up his religious rites, and whither he summoned the discontented from all the neighboring tribes. Among other devices of the Prophet to bring supporters to himself and his brother, he sent out a prophesy that total darkness was going to prevail over all the earth, except in the immediate vicinity of his village on the Tippecanoe, a northern branch of the Wabash, whither he had removed in the summer. He advocated the discarding of all the ways of the whites, their dress and even their weapons. He taught that if they were to expel the whites, they must return to the ways of their fathers, the war-club, the stone tomahawk and the bow and arrow. His religious ceremonies were interspersed with war-like exercises with these primitive weapons.† The report of these war-like proceedings reached Governor Harrison at Vincennes, the capital, and led to a visit from the Prophet to the governor, in which he expressed a strong desire for peace.

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*King 317.
†VI Hildreth's History 253.

In September, 1809, Governor Harrison held a treaty conference at Fort Wayne, with the chiefs of the Delawares, Pottawatamies, Miamis, Kickapoos, Weas and Eel River Indians by which he obtained a cession of lands extending up the Wabash above Terre Haute. Tecumseh and his brother denounced the treaty on the ground that the lands were common property of all the tribes and could only be ceded by the consent of all, and they threatened death to all the chiefs who had signed the treaty.

In consequence of fresh war-like rumors, Governor Harrison invited Tecumseh and the Prophet to a conference at Vincennes (August, 1810) to which Tecumseh came in war-like state, accompanied by a retinue of 400 warriors, and in his speech frankly avowed his intention of establishing the policy of no more cessions without the common consent. He also declared his purpose to kill all the chiefs concerned in making the late treaty. It was in this speech that he declared his purpose to *"build a dam"* to resist "the mighty water, ready to overflow his people."

Carried away by the flood of his own eloquence, he sprang to his feet and gesticulated frantically, and pronounced the statements of Governor Harrison false. Excited by his manner and words, his warriors also sprang up and drew their tomahawks and a bloody encounter if not a massacre, was narrowly averted. Being informed by the interpreter what Tecumseh had said, the governor calmly turned to Tecumseh and told him that he "was a bad man, and that he would hold no

further communication with him" and that he must depart from the settlements without delay.* The next morning Tecumseh sought the Governor and apologized for his violence the day before, but he still adhered to his design of forming a grand confederacy of all the tribes to put an end to the encroachments of the whites. After declaring his purpose to "erect a dam" "to resist this mighty water" he said "Your great Father may sit over the mountains and drink his wine, but if he continues this policy, you and I will have to fight it out."†

Notwithstanding Governor Harrison's efforts for peace, the Prophet continued to put forth every effort to gather a large following about him, and Tecumseh went from tribe to tribe far and wide, to enlist them in his great confederacy. The treaty of Fort Wayne was made the present grievance, and "no more cessions" the battle cry.

The Prophet had gathered about him the lawless and the discontented from numerous tribes, and the rash young men, removed from the authority and restraints of their lawful chiefs; and in the spring and summer of 1811, while Tecumseh was absent on his southern tour, depredations of all kinds, from sneak-thieving to murder, grew more and more frequent. An appeal was made to President Madison and the Fourth Regulars, Colonel Boyd commanding, was ordered to

*VI Hildreth 255.
†Jackson's Life of Harrison 71.

Vincennes, the capital for the protection of the territory.

The governor was also directed by the president to march with a military force to the Prophet's town on the Tippecanoe, but to avoid hostilities if possible.

The governor assembled at Fort Harrison (Terre Haute) on the Wabash 60 miles above Vincennes, a force of about 900 men, consisting of the Fourth Regulars, about 350 men, and the rest volunteers and militia of Indiana and Kentucky.*

Harrison had served under Wayne in his campaign, as his aid-de-camp and now followed strictly his example, thoroughly drilling his troops in Indian methods of warfare. Still seeking a peaceable solution, he demanded of the Prophet the horse-thieves and murderers known to be sheltered in his camp. But the messengers (friendly Delawares and Miamies) were treated with abuse and insult and sent back without satisfaction. Following this, a band of renegades from the Prophet's town approached Harrison's camp and fired on his sentinels, wounding one. On October 11, 1811, Governor Harrison advanced from Fort Harrison, and on November 6th, had arrived within two miles of the Prophet's town, and was advancing in order of battle, when he was met by a deputation of the Prophet's councilors, who declared they were sent to ascertain why he was advancing upon their town in military array. They declared that the Prophet was anxious for peace, and a

*VI Hildreth 257.

suspension of hostile movements was agreed upon until next day.

Harrison not having the most implicit confidence in the good faith of the Prophet, selected a strong and defensible position, about a mile from the town, and encamped his troops in a hollow square with dragoons in the centre as a reserve. The night was dark and a drizzling rain set in after midnight. But like his old chief Wayne, Harrison left nothing to chance. With his staff he was up long before daylight, just in time to meet the attack of the Indian hordes at about four o'clock in the morning. The onset was sudden and fierce, and both sides fought with the utmost courage and determination.* But with the coming of daylight, the dragoons were mounted and horse and foot charged impetuously on both flanks, and the Indians were put to utter rout. The warriors were supposed to number about one thousand. They were from many tribes, and were led by warriors Whitehorn, Stone Eater and Winnemac, the latter of whom had formerly professed great friendship for Governor Harrison. The losses on both sides were heavy.† Tecumseh was away at the time of the battle and the Prophet did not personally participate in the fighting, but from a near-by hill chanted his war songs, and performed weird religious incantations. The Indians fled and scattered after the defeat, and Harrison, after burying the dead and destroying the

*Jackson's Life of Harrison (1840) p. 93. Hildreth VI, 258.

†Harrison's loss was upward of 60 killed and twice that number wounded—Hildreth VI, 258.

TECUMSEH

ELSQUATAWA
(THE PROPHET)

TIPPECANOE BATTLE GROUND IN 1860

town, returned with his wounded to Fort Harrison, and thence by boat to Vincennes.

The battle of Tippecanoe has been claimed by some to have been the precursor if not the opening act of the War of 1812 with England, upon the ground that the British, ever since the surrender of the northwestern posts, had systematically courted the favor of the Indian tribes by attentions and presents, and excited their discontent and hostility toward the Americans, on account of their constant and increasing aggressions on the Indian country. Some color was given to this claim later, when Tecumseh on his return, at once joined the British, even before the declaration of war.

That storm which had been gathering for years, was now ready to break. On June 1, 1812, President Madison sent to Congress a confidential message, in which he recapitulated the various grievances against Great Britain which had been openly discussed in both houses of Congress throughout the previous winter and spring; —the impressments of our seamen, the disregard of our neutral rights, the seizure of our merchant ships, her injurious "orders in council," her paper blockades unsupported by adequate force, and in addition to this her suspected instigation of Indian hostilities, and, taken altogether her conduct would be proved to amount to a state of war.

Three days later Calhoun presented a bill declaring a state of war to exist with Great Britain.

It had become pretty evident, from the debates in Congress, that in case of war an attempt would be made

to invade Canada, and this rendered it certain that Michigan would be one of the very first to feel the actual presence of war; and it was not long before it was apparent that the first blow was to come from Tecumseh and his followers, a counter-stroke for the battle of Tippecanoe.

CHAPTER XII

The Beginning of the War

IF any American has any doubt of his ability to blush, and desires to put that question to the test, he has only to read the history of the first year of the War of 1812-15 on the land, to make the test complete, exhaustive and final.

Never did any nation, we believe, plunge into an international war so ill-prepared for the conflict, or so little comprehending the task before it.

The preceding winter and spring had been occupied in Congress with little else than talk of war, in which the conquest of Canada formed a most conspicuous feature.

Governor Hull had spent the winter in the east, in Connecticut, his native state, and Massachusetts, his adopted home, and thence had been called to Washington for conference with the president and secretary of war. As war with England then seemed well nigh certain, it is not only just to presume, but it is historically certain that the purpose of these conferences was to discuss what afterward was attempted—the invasion of Upper Canada from the Michigan frontier. On March 6, 1812, Governor Hull addressed to the secretary of war (Wm. Eustis of Mass.) a formal memorial in writing on the subject. This document will be found in full in the "Defense of General Hull," printed at Boston, 1814, (the same year of his trial by court martial) by Wells and Lilly, printers. In this memorial Governor Hull discusses fully the defenseless situation of Michigan, the resources of Canada, and the conditions and forces requisite to the successful invasion from the

Michigan frontier. In discussing the forces to be met he says, "And lastly may be reckoned all the Indians in Upper Canada and a large proportion of the powerful nations residing in the territory of the United States, who now hold a constant and friendly intercourse with the British agents, and are liberally fed and clothed by the bounty of the British government."*

Again he says "In the event of war, and the object being the reduction of the provinces of Upper and Lower Canada, I think it must be evident that the establishment of an army at Detroit sufficient to defend that part of the country, control the Indians and commence operations on the weakest points of defense of the enemy would be an incipient measure indispensably necessary."†

After saying that the maintenance of an adequate army at Detroit would prevent a war with the savages and probably induce the enemy to abandon Upper Canada, he adds: "The (British) naval force on the lakes would in that event fall into our possession and we should obtain command of the waters."§

Be it remembered that this was in March, and war was declared June 18th, three months and a half later.

In another part, discussing the consequences of leaving Michigan to its fate, he says: "They will be in the quiet possession of their country and a part of ours, and how are they to be approached? You cannot approach them by water *because they command the lakes.* In

*Defense of Gen. Hull p. 27.
†Defense of Gen. Hull p. 30.
§Defense of Gen. Hull 31.

approaching by land you must pass through a wilderness, filled with savages under British control and devoted to British interests."*

"I have always been of the opinion that we ought to have built as many armed vessels on the lakes as would have commanded them."† "A naval force superior to the British on the lakes had been strongly urged by General Hull."§

This is sufficient to make clear that the whole military and naval situation with reference to the control of Michigan and the invasion of Upper Canada had been fully discussed months before the declaration of war.

On April 8, 1812, Hull was commissioned brigadier general and assigned to the command of the Northwestern Army, which was to operate on the Michigan frontier.

At first he had declined the commission, because he regarded the successful invasion of Canada impracticable so long as the British remained in command of Detroit river and the lakes, by their armed vessels; but he was persuaded to accept; and set out to take command.¶

Governor Meigs of Ohio, had assembled at Dayton three small regiments of volunteers under Colonels James Findlay, Lewis Cass and Duncan McArthur, aggregating between 1,500 and 1,600 men, all told. At Urbana, Ohio, was the Fourth Regulars, now under

*Defense of Gen. Hull 29.
†Defense of Gen. Hull 28.
§Deposition of Capt. Chas. Steward.
¶Lossing 252.

command of Lieut. Colonel James Miller, who had succeeded Colonel Boyd after the Tippecanoe campaign of November, 1811. The 4th numbered between 400 and 500 men, making a total of about 2,000, including the troop of Capt. Sloan's Cincinnati Light Dragoons, numbering less than 50. Hull assumed command of the three Oho regiments the last week of May. Hildreth estimates the volunteers at only 1,200 men and the regulars at 300, a total of only 1,500.*

After some days spent in drilling the three regiments at Dayton, and holding a review in presence of Gov. Meigs, Hull marched to Urbana, where he was joined by Col. Miller with the 4th Regulars, and set out on his march to Detroit.

Urbana was a small frontier village, and from there to the falls of the Maumee stretched an unbroken wilderness, pathless, bridgeless, uninhabited. A large part of the distance was through the famous "black swamp" which lay between the Sandusky and the Maumee rivers. Corduroys had to be constructed and blockhouses to be built. Near the present site of Kenton (Hardin County) Ohio, Fort McArthur was built, and after a day's rest, Colonel Findlay with his regiment was detailed as pioneers and road-builders in place of McArthur's command. Three days later the "army" marched for the Rapids of the Maumee. But the rains descended and the floods came. The forest trail became impassable, and of necessity the army halted only 16 miles from Fort McArthur and built Fort Necessity.

*VI Hildreth 337.

Here the most discouraging reports were heard from Detroit. The Indian tribes had held a Council at Brownstown, and the Wyandots were openly hostile. Tecumseh with several hundreds of followers had joined Colonel St. George, the British commander at Malden, and Detroit was well-nigh in a state of panic. It would be difficult to depict, and quite impossible to exaggerate, the difficulties and trials of this march.*

But in spite of all, Hull pushed on, and by the last day of June had arrived at the Rapids of the Maumee. At Fort Findlay† (site of the present city of that name) Hull had received by special messenger a dispatch from the secretary of war, Eustis, dated on the 18th of June, the very day of the declaration of war, yet making no allusion to that fact, or to its probability in the immediate future. This dispatch had come through in six days, and directed Hull to push forward to Detroit, and there await further orders.§

Colonel Cass was now detailed with his regiment as pioneers, with orders to open the road to the Rapids as quickly as possible, with the result that on June 30th the army reached that point. They camped opposite Wayne's battle grounds of August 20, 1794, until the whole force, less those left in the forts and blockhouses, had been crossed over, when they moved down the north bank and camped close by the site of old Fort Miami, which had been abandoned in 1796. Here

*See Lossing's Field Book, 256 et seq.
†June 24.
§Lossing 257. Hildreth 337. Hull's Defense 40.

at the point later known as Maumee City, was the head of navigation of the Maumee. By this time the army was nearly exhausted with its labors, and the beasts of burden quite unfit for the long and arduous road that still lay before them. Six days had elapsed since the receipt of the dispatch of June 18, and yet no news of a declaration of war had come. Hull found at Maumee a small schooner—the Cuyahoga—which he chartered. On this he embarked his own and most of his officers' baggage, his entrenching tools and some of the heavier camp equipage and hospital stores. On another and smaller schooner he embarked the soldiers, too ill to march, in charge of a surgeon's mate. On July 1, these vessels sailed out from Maumee bay and stood away for Detroit river. Still no notice of war!

On the same day the army set out for Detroit, by the most direct route to Frenchtown (now Monroe), at the mouth of the River Raisin.

On the morning of the 2nd* a special messenger overtook General Hull with a dispatch from the secretary of war announcing the declaration of war, and saying "You will be on your guard, proceed to your post with all possible expedition, make such arrangements for the defense of the country as in your judgment may be necessary, *and wait for further orders.*"

This dispatch had been written on June 18th, the

*This is according to the account given by Hon. Elisha Whittlesy. See note, VI Hildreth 258. According to Hildreth's text, same page, the messenger did not reach him until the evening of the 2nd.

same day as the one received at Fort Findlay, on June 24th.

Instead of being sent by special messenger, it had been forwarded by the leisurely process of the post, at the terrific speed of 30 miles a day, as far as Cleveland, the end of the mail route, and thence by a messenger, one Charles Shaler, a young lawyer, who left Cleveland at noon of June 28th on horse back,* and swimming his horse across every river between Cleveland and Toledo, and wallowing through the mire of the "great black swamp" arrived at the Rapids on the night of July 1st, only to find that the army had left that morning for Detroit.

Meanwhile, Colonel St. George, commanding at Malden, had two days before received notice of the declaration of war from Mr. Foster, the British minister at Washington, *in an envelope franked by Albert Gallatin, secretary of the treasury.* And a like notice, franked in a like manner, had gone forward by runners to Captain Rogers commanding the post on St. Joseph Island, at the head of Lake Huron, above Fort Mackinac. With this information, Hull instantly perceived the danger to the *Cuyahoga,* which carried in addition to the baggage and entrenching tools, three officers' wives and a chest containing all General Hull's military papers, including the army rolls and General Hull's official correspondence. He attempted to communicate with her and turn her back, but without avail. She was

*This Charles Shaler was twenty years later tendered the appointment of Secretary of Michigan Territory, to supercede Stevens T. Mason, but declined.

brought to by a cannon shot from Fort Malden and boarded by the British armed cruiser *Hunter,* and taken to Malden with all her cargo as prize, and her passengers as prisoners. The smaller vessel with the invalids, being of lighter draft, took the shallower American channel to the west of Bois Blanc Island and escaped up river to Detroit. Sir George Prevost, governor general of Canada, had notice of the declaration as early as June 24th, and General Sir Isaac Brock, commanding in Upper Canada, had received the same information by express on June 27th, while the American commander, leading his little army around the head of Lake Erie, did not get the same information until July 2nd. The trunk containing Hull's papers had been put aboard the *Cuyahoga* by a mistake on the part of a young staff officer, but none the less it put the British commander in full possession of invaluable information, of the forces under General Hull, their condition, and the instructions of the secretary of war. At Frenchtown Hull learned of the capture of the *Cuyahoga,* and on the 3rd of July, pushed on toward Detroit about 40 miles up the Detroit river. On July 4th, he crossed the River Huron on a floating bridge constructed the day before; on the 5th crossed the River Rouge and camped at Spring-Wells,* now partly within the city limits of Detroit. This was Sunday. On Monday, July 6th, the 4th Regulars

*William Stanley Hatch, "Chapter of the History of the War of 1812," page 26, et seq. Hatch was a Lieutenant in the Cincinnati Light Infantry, and detailed as acting Assistant Quartermaster General on Gen. Hull's staff. His monograph was not printed until 1872, and is not always accurate.

marched to Fort Detroit (formerly Ft. Shelby) which had been strengthened and improved during Governor Hill's absence by secretary and acting governor, Reuben Atwater.*

On July 7th the volunteers marched from Spring-Wells and camped near Fort Detroit.†

At this time the population of the entire territory did not exceed 5,000 of whom about 800 were inhabitants of Detroit, and double that number scattered between River Raisin and Lake St. Clair. At the fort there was a garrison of 94 regulars; and acting governor Atwater had enrolled militia to the number of about 200, so that making deductions for garrisons for the forts and block houses, Hull could muster a force of all arms amounting to near 1,800 men. General Hull's latest orders required him to *"await further orders"* at Detroit. He had never received either orders or authority to cross the river, and though strongly urged by his young regimental commanders to cross at once, *without orders,* he adhered, as a veteran soldier should, to the orders received.

Thus far he had shown much energy and persistence in forcing his way through two hundred miles of trackless wilderness swamps. The mishap of the loss of the *Cuyahoga,* it would seem, should be charged to the unaccountable negligence of the War Department in not

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*At Detroit Secretary Atwater had organized the Michigan Legion of which Judge Witherell was made major. A "Committee of Safety" was organized, and money raised by subscriptions with which to buy ammunition.

†Wm. Stanley Hatch.

notifying him of the declaration of war until some days after the enemy had knowledge of that event. It may be safely assumed that had such notification been received the loss of the Cuyahoga and the papers would not have occurred.

CHAPTER XIII

General Hull's Canadian Campaign

THERE was much murmuring and discontent among both officers and men because Hull did not, without orders, at once invade Canada. This discontent amounted almost to mutiny, but fortunately on the 9th of July orders came from the War Department, to "commence operations immediately," and should the force under his command be equal to the enterprise "he should take possession of Fort Malden, and extend his conquests as circumstances might justify."*

On the same day Hull had addressed a letter to the secretary of war in which he had said "The British command the waters and the savages. I do not think the force here equal to the reduction of Amherstburgh."†

On the next day (10th) Hull again addressed the secretary of war saying: "The communications must be secured, or this army will be without provisions. Troops will be absolutely necessary on the road to protect the provisions. This must not be neglected. If it is, this army will perish by hunger."§

It was not a simple problem presented to General Hull. On the north and west was the interminable wilderness, inhabited only by the unfriendly Indians; to the southward stretched 200 miles of forests, swamps and streams through which he had just come, with one road just constructed by his troops; to the eastward the Detroit river and Lake Erie, under the control of the

*Hull's Defense p. 41.
†Hull's Defense p. 42.
§Hull's Defense, 43.

armed vessels of the enemy, and the province of Upper Canada with a population about ten times that of the Territory of Michigan; at Malden, was Colonel St. George with about a hundred regulars, and an unknown force of Indians and Canadian militia, probably not at the moment above four or five hundred, but then estimated much higher. Hull's sole line of supply or reinforcement lay close to the head of Lake Erie and Detroit river, directly in front of and almost under the guns of Fort Malden and the war-ships *Queen Charlotte* and *Hunter,* while Tecumseh and his warriors were camped on the Islands in the strait, ready to cross to the Michigan side, to ambuscade any supply convoy going to the relief of Detroit or any escort which might be sent to bring up such convoy. Under these circumstances only the possession of an overwhelming force and the ability to deliver an immediate and crushing blow, would have justified a commander in crossing into a hostile country, with the possibility of being cut off from his base.

Colonel Hatch in his "Chapter of the History," etc., says that the army marched at 2 A. M., July 9, and crossed the river at Hog Island (Belle Isle) that morning; and gives quite an animated picture of the crossing; but this is doubtless an error. The crossing was not made until the morning of the 12th, at daylight. The 11th was occupied in collecting boats and canoes with which to cross. The *Queen Charlotte,* sixteen guns and the *Hunter,* an armed vessel of eight guns lay down the river, and were expected to come up and attempt to prevent the crossing. The British had also erected

a battery at Sandwich a mile below the village and fort of Detroit, which was designed to oppose the landing.

Hull resorted to a strategem. He ordered all the boats to be brought, toward evening of the 11th, down along the Michigan shore within sight of Sandwich to Spring Wells, and also dispatched Colonel McArthur with his regiment to the same point, and caused word to reach the British commander that the object was to attack Fort Malden.

The strategem succeeded, and during the night the boats were again taken up the river to a point nearly opposite the lower end of Belle Isle, and at daylight of the 12th the crossing was made without opposition or loss, the landing being made a mile above the site of Windsor; and the column having been formed, they advanced to Sandwich, which was found evacuated by the British, who had retired to Amherstburgh.

Hull at once took possession of Sandwich and the uncompleted works of the British, and, amid great rejoicing, raised the American flag over the soil of Canada. Immediately he published and sent out in all directions a proclamation to the inhabitants of Canada.* This proclamation is generally conceded to have been the production of Colonel Lewis Cass. In fact we think it has not been questioned. Its main object was to detach the peaceable citizens of the western part of Upper Canada from the British and attach them to the American cause. It was somewhat grandiloquent and

*The proclamation may be found in full in the Life and Correspondence of Sir Isaac Brock, London, 1845, page 186.

florid in style, and it was rather fortunate for Hull, afterward, that he was not its real author.

The proclamation was well calculated to accomplish the object in view, namely, to quiet the fears of the Canadians, and to prevent further accessions from the Indian tribes. It declared "to the peaceable and unoffending inhabitant it (the army) brings neither danger or difficulty. I come to find enemies not to make them. I come to protect not to injure you." The proclamation was at first not without considerable effect in producing desertions from the British forces.

Fort Malden, just above the village of Amhertsburgh was about 18 miles below Sandwich, and nearly opposite the upper end of Bois Blanc Island, and commanded at close range the only safe ship channel. About four miles above the fort was the river Aux Canards, a deep, sluggish and unfordable stream, crossed by a bridge within sight of Detroit river and the war ship *Queen Charlotte,* lying off the mouth of the river, commanding the bridge and the road between it and the fort. The fort itself was not a formidable work, but was constructed of earth embankments surrounded by a dry ditch and timber stockades. It had been built before the British evacuated Detroit, and was of evil repute, as the breeding place of Indian raids, forays and massacres, concocted by that forever infamous trio, McKee, Elliott and Simon Girty. Many a bloody harvest of scalps had been reaped as the fruit of seed sown at Fort Malden, near the mouth of the majestic Detroit.

The fort had recently been much strengthened and put in a state of defense, in view of the probability of war. The garrison, according to Lieutenant Forbish, a British officer, near the end of July consisted of about one hundred and seventy regulars and five hundred and fifty militia.*

The Indian force supporting these was estimated all the way from 400 to 1,000, and probably varied at different periods between the two. Taking the mean number would give St. George a total of 1,420.

General Hull had with him of artillery only a light field battery. This he placed in position to command the river. On the 13th he sent a reconnoitering party toward Fort Malden. They proceeded as far as Turkey Creek, nine miles, and returned reporting that Tecumseh with two hundred warriors, was lying in ambush in the woods between Turkey creek and the Canards river, and that the woods were full of savages. Then Hull ordered the camp fortified.

Still there was great impatience on the part of the colonels and subordinate officers to march on Malden. On the 14th a council of war was called, at which it was decided that no attempt ought to be made to take Malden without heavy artillery.† The heavy artillery was in the fort at Detroit, but without carriages suitable for field service. Hull at once ordered the necessary carriages, and he claims to have urged their construction with all practicable speed, and this appears to

*Hull's Defense p. 57-8.
†Hull's Defense p. 59.

have been true, but nevertheless they were not ready before August 7th.*

This seems incredible, but Col. Miller testified at the court martial that he saw no want of exertion in preparing the artillery. But during this delay other things were transpiring. About the middle of July Colonel McArthur was dispatched to the northeast toward the River Thames (or Tranch) in pursuit of a party of Indians, which he readily scattered, and then pushed on up the Thames, as far as the Moravian villages, in search of provisions for the army, from which he returned successful on the 17th, with a large quantity of supplies.

Meanwhile, on the 16th, Hull had dispatched Colonel Cass† with 280 men, accompanied by Col. Miller of the 4th Regulars to reconnoitre as far as the Canards river, (or Tarontee as the Wyandots§ called it). They found the bridge held by a company of Canadian militia and a body of Indians under Tecumseh. The banks of the Canards were low, level and swampy. Finding it would be too costly to carry

*Hull's Defense p. 60.

†Col. Lewis Cass was born at Exeter, N. H., 1783, received an academic education in his native town, removed to Ohio in 1800, settling at Marietta. Entered politics very early in life, being elected to the legislature at the age of 23. Prepared the official communication to the President on Burr's expedition. At the age of 25 was made U. S. Marshal for the District of Ohio, which office he continued to hold when elected Colonel of the 3rd Ohio Volunteer regiment in 1812. He had no military training or experience in the field but was active, ambitious, enterprising, and, some have thought, inclined in his youth to overestimate himself. We shall see a great deal more of him before the end of this story.

§Wyandot, like many Indian names, has numerous spellings—Ouendat, Wyandot, Wyandotte—Wiandot and Wiandotte. The simplest and best is *Wyandot*.

the bridge by a front attack, Cass left a company of riflemen to hold the attention of the enemy, while he made a detour up stream to a ford, and then, marching down on the south side, attacked and routed the picket at the bridge, and pursued them toward the fort. It was reported that some of the enemy were killed or wounded, and if so, this was the first blood shed in the War of 1812. Cass suffered no loss, but he was hailed by the administration press as "the Hero of Tarontee."

Cass and Miller now sent word to Hull that they had taken the bridge, and urged that they be authorized to continue to hold it so as to keep the road open to Malden. But Hull refused. His artillery was not ready, and it had already been decided not to attack without the artillery.

The control of the water by the *Queen Charlotte* and the *Hunter* seems to have been the deciding factor with Hull. They, with a gun boat or floating battery near by, commanded the bridge, and Cass was ordered back to camp. On the same day, the 17th, Fort Mackinac fell an easy spoil into the hands of the British and Indians. The first notice that Lieutenant Porter Hanks, commanding the fort, had of the declaration of war, was the demand for his immediate surrender.

But that news had reached far away. St. Joseph's Island, and Captain Roberts, commanding, had gathered to his company of British regulars two hundred and sixty Canadian militia and about 700 Indians, principally Ottawas, Chippewas and Sioux, and on the 17th Lieutenant Hanks and his little garrison of 60 men

surrendered without firing a shot. Fear of Indian massacre like that which actually occurred at River Raisin six months later, no doubt largely influenced the surrender.*

Before the news of the surrender of Mackinac had been received, during a temporary absence of General Hull at Detroit, the command of the troops on the Canadian side devolved on Colonel McArthur; and he determined to make an attempt on Fort Malden, and sent Major Denny with 117 men, to drive back the Indians between Turkey creek and Aux Canards. Major Denny was himself surprised and driven back in confusion, pursued by the Indians beyond the bridge across Turkey creek. Denny lost six men killed and some wounded.

About the first of August came the news of the surrender of Mackinac,† and at the same time came rumors of reinforcements advancing from the east, down the valley of the Thames, to largely increase the forces at Malden.

It is now manifest that the golden and only opportunity for successfully attacking Malden had gone by. The first favorable impression made at the time of the crossing had expended itself, and the British force was growing daily. Desertions had ceased.

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*That this fear was not wholly groundless appears from a letter of John Askin, Jr., of Detroit, who was an agent of the British, who wrote to Col. Claas. "It was a fortunate circumstance that the fort surrendered without firing a single shot, for had they done so, I firmly believe that not a soul of them would have been saved." Askin was very familiar with the Indians.

†Mich. Hist. Coll. 25, 327.

The whole Indian horde of the north had been released by the surrender of Mackinac.

The diversion which was to have been made by General Dearborn on the Niagara frontier had failed to materialize. Now came information of the arrival of Colonel Henry Proctor at Malden, July 26th, with reinforcements of 100 regulars.

Tecumseh and his warriors had crossed the Detroit and cut Hull's communications with his base, and intercepted a convoy of provisions coming under escort of Captain Brush and 200 of the Ohio militia, at River Raisin.

On the receipt of this information, Hull sent Major Van Horne of Colonel Findlay's regiment, with 200 men, to open communication with Capt. Brush at Frenchtown. Van Horne crossed the Detroit on August 4th, and marched that night as far as the Ecorces river, where he bivouacked and took up his march on the 5th. At the Ecorces Major Van Horne had received a heavy mail from the army, including General Hull's official mail, and letters of officers and soldiers, to be escorted to Frenchtown. As they approached the village of Brownstown, about five miles below the present city of Trenton, the advance was fired upon by a party of Indians, and Captain McCulloch killed. Van Horne was warned that a large party of Indians was lying in wait for him, and he proceeded cautiously with advance guard and flankers, until just as he was entering the little village of Brownstown, a deadly fire at close range was opened upon them on both flanks by a large body

of Indians under the command of the implacable Tecumseh, who was still seeking revenge for Tippecanoe.* Fearing that he was about to be surrounded, Major Van Horne gave the order to fall back. The retreat became a rout, and in the greatest disorder the detachment fell back behind the Ecorces, whence it had marched that morning. The detachment lost 17 killed including four captains, beside many wounded, and, what in the end proved quite as important, lost the mail which came into the hands of General Brock a few days later, and disclosed to him all the weakness of Hull's situation and the disaffection of his army,—a knowledge which the prompt and energetic Brock was not slow to make use of a few days later.

On August 7th a council of field officers was called. General Hull decided to march at once and attack Fort Malden. General Brock was approaching with reinforcements from the east, and it was the last chance. Orders were issued apparently for an advance. Everything was to be in readiness to march at once with ammunition and three days' rations; boats were ordered collected, the sick to be prepared for removal. The army released from the long restraint was exuberant. But suddenly, like a bolt from a clear sky, came the order to recross the river. Sullenly the army obeyed the order of its discredited general, and during the night of the 7th and morning of the 8th returned to the Michi-

*Drake in his Life of Tecumseh (Cincinnati 1855) says that the force which attacked Van Horne consisted of 40 British regulars, and 70 Indians under the command of Tecumseh in person. Drake 164.

MAGUAGA BATTLE GROUND

MONROE, FROM THE BATTLE GROUND OF RAISIN RIVER

gan shore and camped around Fort Detroit. Major Denny and about 125 sick and convalescents were left on the Canada side.

On the morning of the 8th General Hull detailed a detachment of about 600 men, including the 4th Regulars, under Colonel James Miller, an officer of unquestioned ability and bravery,* to proceed down the river, and open communication with Captain Brush. The detachment included beside Miller's regulars, details from the other regiments and the "Michigan Legion," consisting of four companies, one mounted† and three foot. This took just about one-half of Hull's army fit for duty, probably in effective force the better half. Colonel Miller marched to the Rouge river that night, and the next morning advanced with the greatest caution and circumspection.

About the middle of the afternoon—it was a hot, still Sunday—at a point a little below Maguaga,§ a Wyandot Indian village, they came upon the British and their Indian allies, strongly posted in the woods, behind log breastworks.

Captain Snelling with his advance guard received a

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*Miller was at this time only lieutenant colonel of the 4th, Colonel John P. Boyd not being promoted to brigadier general until Aug. 26th. Miller distinguished himself at the Battle of Tippecanoe Nov. 1811. In 1814 he was promoted to colonel of the 21st Regulars, and greatly distinguished himself at the Battle of Lundy's Lane, and was breveted brigadier general. At this time (1812) Miller was ranked by all the volunteers colonels, though by far the best soldier of them all.

†The mounted troop was commanded by Captain DuQunidre of Detroit.

§Modern Monguagon. Maguaga appears to have been the original Indian name.

hot fire, but held his ground firmly until Colonel Miller came up with the main body, when the latter instantly ordered a charge, which he led with the utmost gallantry. The British and Canadians were quickly driven from their position and took to their boats; but the Indians under Tecumseh, Walk-in-the-Water and Slithand fought obstinately, showing much higher courage than their pale-face allies.

Miller pursued about two miles, but night coming on he recalled his forces. Miller's loss was 18 killed and 57 wounded. The forces engaged were about equal in number on the two sides. The bloody affair at Maguaga closed the second epoch of General Hull's campaign.

He had brought his army safely back across the Detroit in spite of British control of the water, but he had failed to re-open his communication with Ohio, his only possible source of supply and reinforcement.

CHAPTER XIV

The Capitulation of General Hull and Surrender of Detroit

THERE can be no question but that the affair at Maguaga* (or Maguago) was an American success; that Colonel Miller and his officers behaved with gallantry; that the troops, both regular and volunteer, under the inspiring influence of a brave commander, exhibited steadiness under trying circumstances; and that the British and Canadians were driven to their boats.

But Tecumseh and his warriors, though driven back, were still concealed in the woods, along the line of march between Maguaga and River Raisin, ready to ambush and fall upon the flanks of the detachment if it advanced before morning.

Early in the action Miller's men had thrown off their knapsacks in which they carried their rations, and they were without food. He could not move forward without rations, and the only way to recover the knapsacks would be to move his entire force back to the point where the action began, taking with him his dead and wounded, numbering nearly eighty. Under these circumstances he dispatched a special message to General Hull asking a new supply of provisions. General Hull promptly directed Col. McArthur to take a hundred men and one day's full rations for Miller's detachment, and proceed at once by boat to deliver the rations and bring back the wounded.† McArthur experienced much difficulty in getting the rations, and, proceeding in nine

*Modern Monguagon.
†Hull's Defense 144.

boats, barely escaped capture with the wounded on his return, by the armed vessels, *Queen Charlotte* and *Hunter*. As it was, he lost his boats but saved the wounded by landing them. The rations delivered were less than one day's supply, and as Col. Miller now knew that Colonel Proctor was at liberty to cross his entire force to the Michigan side, and that he (Proctor) had the vessels wherewith to do it, and Miller felt confident in case he advanced, that he would have to fight his way to the River Raisin, he called upon General Hull for more provisions. Hull now ordered two thousand full rations to Miller's detachment, which met him as he was returning to Detroit* on the night of the 10th or morning of the 11th.

General Hull, anxious at the division of his army through the absence of so large a part of his effective force from Detroit, had ordered Miller's return, thus leaving his line of supply still in the hands of the enemy, and Capt. Brush and his provision train still at the River Raisin.

It was August 11th when Colonel Miller with his detachment reached Detroit. The Colonel had been thrown from his horse at Maguaga, and beside was suffering severely from malarial fever. This doubtless had much to do with his failure to promptly follow up the battle of Maguaga. He was there within fourteen miles of River Raisin and of Captain Brush, with his two hundred volunteers, which would have raised his force to about 700 effectives, unless he had been com-

*Hull's Defense 146.

pelled to fight a second battle. But Hull hesitated to divide his little army in two, knowing that Proctor might intervene with his entire command, now increased to probably fifteen hundred—regulars, militia and Indians.

From a military point of view alone, the wisest thing Hull could possibly have done in his present situation was to have put his entire force in motion at the time he sent Miller down the river, and with all his troops, arms, guns, munitions, and trains, have placed himself behind the Maumee river at the Rapids where Fort Meigs was soon after built. His provisions were nearly exhausted, his artillery ammunition was only sufficient for four days' service, the enemy was between him and his base with a superior force, more than one-half of them savages; and he had about two hundred sick and wounded on his hands. It must have been clearly manifest that it was impossible for him to maintain himself at Detroit for any considerable time unless immediately and strongly reinforced and re-supplied.

But with General Hull it *was not* a simple *military* problem. He was civil governor of Michigan territory; he had for seven years made his home at Detroit; his daughter and his grandchildren were there; his old friends and neighbors were there, and he still hoped that something might occur to render a retreat unnecessary.

But something very different happened. On August 13th, General Sir Isaac Brock, governor of Upper Canada, arrived at Malden, bringing with him ninety

regulars, three hundred militia and a small contingent of Indians from the Mohawk settlement on Grand river, near Brantford, and the promise of more. It was late at night when he arrived, and the captured mails were at once laid before him. These disclosed to him that he had nothing to fear from Hull. Within an hour he was in consultation with Tecumseh. General Brock was an officer of quick insight, rapid judgment and firm decision. He possessed abundantly the qualities so necessary to a successful soldier, and which Hull apparently abundantly lacked.

His course was decided upon at once. He did not have to act in the dark. In a letter dated September 3rd, General Brock wrote, "I got possession of the letters of my antagonist addressed to the secretary of war, and also the sentiments which hundreds of his army uttered to their friends."

Brock showed untiring energy. On the morning of the 14th he held a conference with the Indians, now numbering upward of a thousand, and told them he had come to restore to them their ancient hunting grounds north of the Ohio—a statement hailed with Indian enthusiasm. He then issued a proclamation to those inhabitants of Canada who had quit their colors and gone home, in effect tendering them amnesty.

Then, on the same day (14th) he put his forces in motion and marched to Sandwich, with horse, foot, artillery and Indian allies. Major Denny had already abandoned Sandwich on the 11th and retired across the river, and Brock took possession of the abandoned camp

and planted a battery to command, or at least to threaten, the village and fort of Detroit.

As Fort Detroit was nearly a half mile back from the river, and Sandwich nearly a mile below the fort, the distance from battery to fort must have been nearly or quite two miles. The actual damage that could be done with the field guns of that day at such a distance would be inconsiderable, though a fortunate shot might take effect, as was afterward the case.

At noon of the 14th General Hull ordered Colonel McArthur—the senior colonel—to take a part of his regiment with a detachment of the 3rd, under Col. Cass, and proceed by a back route, distant from the river front, to and along the right bank of the Huron river so as to strike the river road between that river and the Raisin. On that very day a movement was on foot among Hull's officers to depose him from the command and install Colonel McArthur in his place,* and possibly that was the reason that though McArthur received his orders at noon, he did not move out until near night, and then without rations.†

The next day, the 15th, the detachment became inextricably entangled in the swamps, finding no passable road, and turned about and marched back nearly to Detroit.

On this very day, August 15th, General Brock sent a

*For the details of this conspiracy and the so-called Cass "round robin" see the History of Monroe County, Michigan, by Hon. Talcot E. Wing, former President of the Michigan Historical Society.

†Hull's Defense 146 et seq.

flag to General Hull demanding his immediate surrender. To this demand Hull returned a prompt refusal. Thereupon General Brock opened his batteries upon the fort and town, and the cannonade continued until into the night.*

The conduct of General Hull from the morning of the 15th can be explained upon no other theory than that he considered his retreat cut off and had already determined in his own mind to surrender Detroit, but that he had decided not to do so until General Brock and the British regulars were on the ground to maintain order, and protect the helpless inhabitants from the fury of the savages, who might become uncontrollable when blood had once been shed.† Fort Detroit was armed with twenty-eight guns, some of them twenty-four pounders, while General Brock's heaviest were eighteen pounders. The fort could easily have silenced the Sandwich battery, but Hull would not allow it to reply though the outside batteries did. Many women and children were gathered in the fort. Major Jessup rode down to Spring Wells to reconnoitre, and reported the *Queen Charlotte* anchored before Sandwich, as if to convey the troops across, and asked General Hull to

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*It now appears from letters recently discovered that early on the morning of the 16th Gen. Hull sent a letter to Brock asking a cessation of firing and for a conference, but this letter never reached Brock, and exerted no influence on the result.

†General Brock in his summons to surrender had used this language "You must be aware that the numerous body of Indians who have attached themselves to my troops, will be beyond my control the moment the contest commences." Brock to Hull, Sandwich, Aug. 15, 1812.

SIR. ISAAC BROCK

send down one of the 24 pounders with which to drive her away, but he refused.

On the morning of the 16th, as soon as it was light enough to see, General Brock crossed the river unopposed, and after leisurely breakfasting, marched toward Detroit. Tecumseh with about 600 or 800 Indians had crossed during the night lower down and now joined General Brock.

The advance on the town was made deliberately, the white troops moving along the river road, the Indians in the woods covering the left. The *Queen Charlotte* moved up opposite the British right.

Not a regiment was sent down to oppose the landing, not a company to skirmish or to harrass or retard the advance, though the distance was about four miles. At one time Colonel Findlay's regiment and a part of the Michigan militia were posted west of the fort with some pieces of artillery as if to contest the advance. But without firing a shot they were now withdrawn within the fort.

The enemy advanced to within five hundred yards of the fort and were preparing to storm it, when by order of General Hull, a white flag was run up over the fort, and a messenger was dispatched to General Brock with a proposal for capitulation; and on Sunday morning, August 16th, 1812, Detroit was once more surrendered to the British, almost without a show of resistance or defense.

There has been some claim that there was an understanding that Detroit should be surrendered, even before

General Brock crossed the river, and Colonel Hatch in his "Chapter," etc., clearly intimates that the agreement was treacherously made several days before. But the proof is wholly insufficient and inconclusive.

We think there can be no doubt that the presence of a large force of savages, supposed to number at least a thousand, who in case of an unsuccessful defense, would have been turned loose upon the defenseless inhabitants without distinction of age or sex, not only of Detroit, but of all Michigan, was the real factor that actuated General Hull.

That Detroit—that is, the fort—could have been successfully defended on that day, there is little reason to doubt. McArthur's detachment of 300 men was absent, leaving Hull less than 800 effective men, while Brock according to his own account had not less than 1,350. It had been reported to General Hull that a part of his militia had refused to fight.

The fort could have been defended that day, and perhaps the next and the next. But it is to be remembered that it appeared on the court martial that the ammunition would hold out only four days at most, and the rations were nearly exhausted.

General Brock with 750 white troops and 600 or more Indians was between Hull and any possible succor. And is it not possible that the old general judged rightly that if surrender *must* come, it were better to come before he had sacrificed a large part of his own command, and before the savages had become infuriated beyond all control.

When we remember what actually occurred at River Raisin in the next January, at the hands of these same Indians, we can but shudder at the thought of what might have resulted at Detroit; and when we recall the words of John Askin, Jr., as to what would have taken place at Mackinac, had a gun been fired, the thought arises that just possibly this old veteran of the Revolution, this leader of the storming party at Stony Point, who twice received the thanks of Washington in orders, for his gallantry, may have sacrificed good name, honor and his eight years splendid record in the old army, for the sake of humanity, and for the salvation of helpless women and children.*

"Great was the mortification and even rage of the war party, aggravated as it was by the taunts of the Federalists, at this speedy result, in the loss of a large portion of our own country, of the attempted conquest of Canada. All the difficulties and dangers of Hull's position, the smallness of his force, the rawness of his troops; the inexperience of his officers; the interception of his communications; the cloud of Indians by which the complete devastation of the territory was threatened; the power of the enemy by their command of the lakes to concentrate against him an unknown force, were kept quite out of sight, and the unfortunate general

*It could not be known at the time, but on the very day before (Aug. 15, 1812), a scene of ruthless massacre had been enacted at Fort Dearborn (Chicago) where Captain Heald and his brave garrison of 54 men, together with civilians, women and children, were without mercy or compunction put to the tomahawk by treacherous Pottawattamies, who at the moment professed to be giving them safe escort to Fort Wayne.

made the scape-goat of everybody's blunders, and laden with everybody's faults, was accused by a general chorus of the war party, his own officers taking the lead, not only of incapacity and want of enterprise, but even of cowardice, and as if that were not enough, of having treacherously sold himself and his army to the British."*

The detachments of McArthur and Cass were included in the surrender, as was also the escort of Captain Brush at the River Raisin.

At first Colonels McArthur and Cass contemplated making their way to Ohio, in violation of the capitulation, and this purpose was indicated in a note to Captain Brush, announcing the surrender. But their men had been already two days without food; it was a hopeless task to march unfed men to the Maumee, in the immediate presence of hostile Indians at least three times their own number, so after dark of that memorable day, with deepest mortification and indignation, they marched to the fort and stacked their arms, and became prisoners of war. Captain Brush with his men and stores set his face toward Ohio, and was soon behind the Maumee, and beyond pursuit.

Thus, once more, all Michigan was in the hands of the British, and Fort Dearborn, at Chicago, was in the hands of their savage allies.

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*VI Hildreth History 342.

CHAPTER XV

Harrison's Preparations to Recover Detroit

A VERY few words must conclude the sad and inglorious story of the campaign of the Army of the Northwest. The Michigan militia were parolled and dismissed to their homes. The Ohio militia and volunteers with their officers, were conveyed to Malden by water, thence to Cleveland, where having been parolled not again to engage in the war until regularly exchanged, they were permitted to find their way to their respective abodes. General Hull and staff and the 4th U. S. Regulars were held as prisoners of war, and conveyed first to Fort George, at the mouth of the Niagara river, and then to Montreal, whence Hull made his report of his campaign to the secretary of war.

General Brock set up at Detroit a provisional government over the province of Michigan, and left Colonel Proctor in command with a garrison of 250 men. He then hastened back to York (Toronto), the capital of Upper Canada, having in nineteen days captured an army with its general and munitions and conquered a province as large as his own.

In less than sixty days thereafter (October 13, 1812), he fell at Queenstown in a small affair, in which another American General (Van Renssalaer) lost all the reputation as a military man he had to lose. General Brock was a soldier by profession, having spent his whole life in the service. He had many of the qualities of a great soldier; his greatest achievement was the capture of General Hull and his army, but it cannot be forgotten, at least not by Michigan men, that he could

never have accomplished that feat without his savage allies under Tecumseh, and that it was fear of those allies and not of British regulars or Canadian militia that led to the surrender of Detroit; and it will always rest as a stain upon Brock's character that he deliberately and urgently summoned these savages to his standard, and publicly acknowledged their services by placing his own scarlet sash around the body of Tecumseh, on the parade in front of the fort at Detroit on the day after the capitulation.

While Hull was on his weary way to Montreal as a prisoner, his ambitious young subordinate, Colonel Cass, (whose sole military exploit was the reconnoisance to the Canards, where not a man of his was killed or wounded) was hastening with all speed to Washington to lay charges against his late commander. As soon as he could be exchanged he was appointed colonel of the 27th Regulars, and soon advanced to brigadier general. For what was he thus highly rewarded?

He became the chief witness against Hull on his trial for his life, charged with treason, cowardice in the presence of the enemy, and conduct unbecoming an officer. The court convened at Albany, New York, January, 1814. General Henry Dearborn, who at the time of Hull's surrender was in command on the Niagara frontier, with headquarters at *Flatbush, near Albany,* was president.

Of the one brigadier general, four colonels and eight lieutenant colonels who composed the court, not one ever reached distinction.

The court sat for 80 days during all of which time Dearborn was absent from his proper duties as senior major general, and there were those who thought that Dearborn, by his failure to keep General Brock occupied on the Niagara and St. Lawrence frontiers, was largely responsible for the disaster at Detroit, and ought never to have sat on the court, much less presided over it.

Dearborn,* like Hull, was a veteran of the Revolution, but the rest of the court was composed of comparatively young men. General Hull in his plea in his own defense, said: "I have fought more battles than many of the young men who have impeached me of this crime have numbered years."

The charge of treason was withdrawn, as not within the jurisdiction of a court martial. Upon the other two charges he was found guilty, with a recommendation to mercy. He was immediately pardoned by President Madison, retired to his home at Newton, Massachusetts, and spent the remainder of his days in an attempt to vindicate his memory from the charges. For half a century it was a part of the common law of Michigan that General Hull was an imbecile and a coward, if not a traitor. But since the Civil War there has been a

*Henry Dearborn was born at Hampton, N. H., Feb. 21, 1751, and died at Roxbury, Mass., June 6, 1829. At the outbreak of the Revolution he was appointed captain in Col. John Stark's regiment, went with Arnold to Quebec, was made prisoner and not exchanged until March, 1777. Promoted major, took part in the battles of Saratoga and Monmouth, and in 1781 was made assistant quartermaster general on Washington's staff. Was secretary of war, 1801 to 1809, made major general, January 27, 1812.

growing feeling that the responsibility for the disaster at Detroit, August 16th, 1812, must be divided, not very unequally between the general who lacked vigor, and the administration which lacked good sense, and which sent him into the enemy's country without notice of the declaration of war, without control of his line of communication, without reserves or reinforcements, and with the control of the strait which he was required to pass, in the hands of the enemy.

The surrender of Detroit with the "Army of the Northwest" created an immense sensation throughout the country, but especially in Ohio and Kentucky, from which states most of Hull's men came.

General Harrison's exploit at Tippecanoe in the previous year (Nov., 1811,) had given him great prestige throughout that region; and with scant regard to law, he had been made a major general, by brevet, of Kentucky militia, and the Kentucky troops put under his command. While engaged in organizing his forces at Piqua, Ohio, on the 24th of September, 1812, he received a dispatch from the secretary of war, advising him that the president had appointed him a brigadier general in the regular army, and that ten thousand men had been assigned to his command, with which he was, first, to protect the frontier, then recover Detroit and finally conquer Canada.

Meanwhile Proctor at Detroit had taken the aggressive, and a force of two hundred regulars under Major Muir and a thousand Indians under Colonel Elliott had proceeded by boat from Malden to the Rapids of the

W. H. Harrison

Maumee, thence up that river to and beyond Fort Defiance at the confluence of the Auglaize, being *en route* to attack and reduce Fort Wayne.

On September 22, General Winchester in command of two thousand men had set out from Fort Wayne to take post at Maumee Rapids.

As these two forces approached each other, Major Muir, misled by a false report of General Winchester's force, and deserted near Fort Defiance by a large part of his Indian allies, retreated down the Maumee towards the Rapids, embarking his baggage and cannon on boats, for more rapid transportation.

At Fort Defiance, Winchester was joined early in October, by Gen. Harrison with a thousand mounted men, and while Harrison returned southward to push forward men and supplies, Winchester was building a new fort near Fort Defiance and scouting towards the Rapids of Maumee, where it was General Harrison's purpose to concentrate his forces for the advance on Detroit. His troops were moving northward on three lines, those from Virginia and Pennsylvania to upper and lower Sandusky under General Simon Perkins; the Ohio volunteers under General Tupper, by Hull's road from Urbana to Fort McArthur; and the Kentuckian and Indiana volunteers on the line of Wayne's advance in 1794, to Fort Defiance, and thence down the Maumee to the Rapids.

General Tupper was the first to reach the Rapids and found there (Nov. 11) a party of about a hundred British and three or four hundred Indians camped near

the foot of the Rapids, and after a slight affair with a small body of Indians that had crossed to the south side, being out of food, he retreated to Fort McArthur, leaving several dead on the field. An expedition sent by Winchester to relieve Tupper, returned to Defiance, having frightened off the British and Indians who were gathering corn near the Rapids.

General Harrison, commander in chief of the Northwestern Army, found it almost impossible on account of the wretched condition of the roads, to effect a concentration of his forces in time to prosecute a fall or winter campaign for the recovery of Michigan. The difficulties of transportation were almost inconceivable, and the losses of animals and materials correspondingly great.

Under these circumstances, General Harrison suggested to the administration that the campaign be suspended until some naval vessels could be built on Lake Erie, and the control of that lake and the straits could be gained by the Americans. This was the very suggestion made by Hull almost a year before, and the disregard of which had resulted in disaster.

Meanwhile, Eustis had resigned as secretary of war, which he ought to have done before the beginning of the war, and James Monroe had been appointed temporarily in his place.

Monroe gave Harrison *carte blanche* to conduct his campaign according to his own best judgment. Early in December General Perkins arrived at Lower Sandusky (now Fremont) with a large train of artillery, and Harrison from the same point dispatched orders to Win-

chester to advance to the Rapids, as soon as he could accumulate provisions sufficient. On January 10, 1813, Winchester's force arrived in the vicinity of old Fort Miami at the foot of the Rapids.

Within a few days came messengers from Frenchtown (now Monroe) Michigan, on the River Raisin, with word that the British and Indians at Malden were threatening the destruction of the Raisin settlement, and pleading for protection. Messenger followed messenger from the 13th to the 16th of January. Harrison was at Upper Sandusky, beyond reach. Winchester called a council, and the majority advised an immediate advance to the Raisin, and on the 17th Winchester dispatched Colonel Lewis with five hundred and fifty men, mostly Kentuckians. A few hours later Colonel Allen followed Lewis with 110 reinforcements. Allen overtook Lewis at Presque Isle on Maumee bay, about half way to Frenchtown. There they halted for the night, and in the morning started forward over the ice along the shore of Lake Erie. Since Colonel Proctor took command at Detroit, a force of about 200 Canadian militia and 400 Indians had been maintained at and near Frenchtown. These Indians, and to some extent the Canadians, had been harrying, robbing and distressing the settlement.

As Colonel Lewis approached the village which was composed of about forty log houses, most of them surrounded by strong picket fences, the pickets being heavy stakes driven into the ground and sharpened at the top —he was advised that the enemy was occupying the

village and awaiting his attack. They had one piece of artillery while Lewis had none. Order of battle was quickly formed, and under a rapid fire of both musketry and artillery, Lewis advanced rapidly to the Raisin, which was firmly frozen over, dashed across and up the bank at a charge and quickly drove the Canadians and their savage allies from the village which lay mostly north of the river,—and pursued them into the woods, but without capturing their cannon. Colonel Lewis followed up the enemy, who fought with the greatest obstinacy, nearly two miles, when, night coming on, he retired to Frenchtown, and quartered his men in the village. He at once dispatched a messenger to Winchester at the Maumee, with a report of his action and present situation. On the morning of the 19th, a council called by Lewis decided to hold Frenchtown, and await reinforcements. But Proctor at Malden was only half as far away as Winchester at the Maumee.

General Winchester had received Lewis's message and report on the morning of the 19th, and started the same afternoon with about 300 volunteers to reinforce Lewis' command. He arrived at Frenchtown at 3 o'clock on the afternoon of the 20th after a fatiguing march, and encamping the reinforcements under Colonel Wells on the right of Lewis, next the lake, himself retired to the residence of Colonel Navarre, a leading citizen and Indian trader, a half mile south from the camp.

General Winchester, like General Hull, was a veteran of the Revolution, a Tennesseean, not locally

related to the troops under his command, already well advanced in years, and fond of comfortable quarters; and therefore he disregarded the advice of Colonel Wells, who was of the regular army, that the headquarters should be with the troops on the north side of the river. Winchester had with him now about 1,000 men. Lewis had lost 12 killed and 55 wounded on the 18th.

During the 21st reports were brought to Winchester that a large force was advancing from Malden, and late in the evening came a definite message that it had reached Stony Creek. Winchester still disbelieved, and took no steps to fortify his camp or to strengthen his position in any way. He called no council and arranged no plan of action, but retired as serenely as if there were no British or Indians within a thousand miles.*

But between 4 and 5 o'clock on the morning of the 22nd the storm burst, when just as the reveille was beating, a shower of bullets from the musketry, a blast of shot, shell and grape from the artillery, and a bedlam of demoniac yells from the savages, roused the American camp to a sense of their impending doom. Colonel Wells, commanding the right, had left early in the night to go back to the Maumee, with hope of bringing up reinforcements, leaving Major McClanahan in command. The first assault of the enemy struck McClanahan's front, encamped in an open field, and the right

*General Winchester's orderly books will be found printed in Vols. 29, 31 and 32 of the Michigan Pioneer Collection. The originals are in the collection of C. M. Burton, Pres. Mich. Hist. Soc.

soon gave way and was doubled back on the left, which was stationed behind the heavy picket fences and houses north of the Raisin.

At this juncture it is said that General Winchester* arrived on the scene, and attempted to rally McClanahan's fleeing troops behind the houses and fences south of the river. But in vain. Lewis and Allen now joined Winchester in attempting to rally the broken lines on the south side, but the Indians were already on their left flank, and all their efforts were ineffectual. Whichever way they turned, the tomahawk and the scalping knife awaited them. The allies of the British had tasted blood, and now was seen what Hull had feared at Detroit five months before, a savage war of extermination. With them it was "kill, kill," or scalp, scalp; for every bloody scalp was worth a price at Malden.

But while the right under Winchester and Lewis was being cut to pieces and practically annihilated, Majors Madison and Graves, who commanded Lewis's left, ensconced behind the log houses and heavy picket fences on the north side were holding their own bravely, and succeeded in driving off the howitzer and repulsing the British and Canadians.

At this moment, and while Major Madison's tired troops were snatching a hasty breakfast, a flag of truce approached, which proved to be borne by Major Over-

*There appears to be some doubt as to the part taken by General Winchester in the battle. Colonel Henry Whiting, of Detroit, who wrote in 1830, says Winchester, did not reach his troops, being captured before reaching the river. Lossing says (p. 356) that Winchester was captured by Round-Head, at a bridge 3-4 of a mile from the village.

ton, of General Winchester's staff, bringing a peremptory order from him for immediate surrender, which the infamous Proctor had practically extorted from him after his capture. Madison emphatically refused to obey the order, until Proctor gave his word of honor that the surrendered should be protected in person and property, that the officers' side arms should be restored, and that the sick and wounded should be conveyed under guard to Malden.

The same night of the surrender, Proctor set out with the British and Canadian troops and a part of his savage allies for Malden, leaving no guard for the sick and wounded. The night was passed in terror and dread.

At sunrise of the 23rd, about 200 savages who had left Proctor at Stony Creek, came back and, hideous with war paint and frenzied with liquor which Proctor had given them, with blood curdling yells, rushed upon the sick and wounded, tomahawking and scalping till their thirst for blood was satisfied. Many of the wounded who could not walk were collected in two of the largest houses, and then the houses set on fire. Those who attempted to escape by the doors and windows, were tomahawked and scalped without mercy.

Colonel Whiting in his historical address at Detroit (1831) says:

"The wounded were collected in two houses near the battle field.

During the night fire was set to the buildings in which

the wounded were gathered, and those not slaughtered were consumed in the fire."

A carnival of savage butchery reigned through that disgracefully memorable morning.

Whether General Proctor, commanding the allied British and savages, could not or would not control them, will doubtless always remain a disputed question. But the result is the same. The terms of the capitulation were shamefully disregarded, and if General Proctor could not restrain the savages, the greater is the shame and the dishonor of employing such allies.

With all who could march, they then set out for Malden, across the ice, but if any gave out and fell he was at once dispatched and scalped.

Proctor with his prisoners arrived at Malden on the 23rd and soon after proceeded to Detroit.

So ended Winchester's advance toward Detroit, and the battle and massacre of the Raisin, a name that even now, after the lapse of almost a century, brings a shudder to the heart of every resident of that corner of Michigan, and fiery indignation against that monster of cruelty and truculence, Henry Proctor.

The loss of the Americans was 934, of whom nearly 200 were killed, most of them Kentuckians.

The British and Canadian loss was 24 killed and 159 wounded.* The loss of the Indians was never fully known.

Proctor had with him the Royal Artillery, the 10th

*32 Mich. Pioneer Collections 541.

Veteran Battalion, the 41st Regiment, the Royal Newfoundland Marines, and the 1st and 2nd Essex Militia, about 500 white troops and probably 700 Indians.*

This was the bloodiest day ever witnessed on Michigan soil.

*32 Mich. Pioneer Coll.

CHAPTER XVI

Conclusion of the War of 1812

THOUGH there were no further military operations on the soil of Michigan territory during the year 1813, yet there were three events so closely related to the expulsion of the British, and the recovery of Detroit and the rest of the Peninsula, that they should be briefly chronicled here; these were the defense of Fort Meigs, at the Rapids of the Maumee; the battle of Lake Erie, and the battle of the Thames.

But, first, it should be noticed that immediately after the slaughter at River Raisin, the remaining inhabitants of that unfortunate settlement were ordered by Colonel Proctor to remove to Detroit; and in the dead of winter, the weather intensely cold, they gathered their small belongings, and, leaving their comfortable houses to the mercy of the savages, they obeyed the order.

Of Winchester's entire force at River Raisin, only about sixty escaped. This took away the best part of Harrison's small army which was further depleted by sickness and expiring enlistments, so that at one time he had only a few hundred troops remaining at Maumee Rapids. About March 1, 1813, Harrison organized an expedition to cross Lake Erie on the ice to Fort Malden and burn the naval vessels there frozen in the ice, but they found it impossible to cross, as the ice was broken up, and returned to camp. Harrison had chosen his post with excellent military foresight at the head of navigation of the Maumee, opposite Wayne's old fighting ground, and almost on Hull's camping place of June, 1812. The river was in his front, but he con-

trolled it with his batteries. This was the most advanced post toward Amherstburg and Detroit that he could hold without exposing his flank to attack from Malden, as both Hull and Winchester had learned to their bitter cost. Here he had collected a considerable train of artillery and a large amount of military stores, and for their better protection he commenced the construction of a large entrenched camp, which he named after the governor of Ohio, "Fort Meigs." It was situated on the south side of the Maumee, a little above the present city of Perrysburg, Ohio. The time of many of the Virginia and Pennsylvania troops having expired, they marched away, leaving the general only about 500 men, under Major Stoddard, with which to defend the post.

General Harrison arrived at Fort Meigs from Cincinnati on April 12th, and at once took steps to hasten the completion of the fort, which work had languished during his absence in procuring additional levies.

Colonel Proctor, greatly elated by his success at Frenchtown, had been putting forth his utmost efforts to collect a great body of Indians for the spring campaign in the invasion of Ohio. By April 23rd he had assembled nearly 2,500 men, of whom about 1,500 were Indians under the command of Tecumseh. They embarked at Malden on board the fleet, and on the 26th appeared at the mouth of the Maumee, and on the 28th landed near old Fort Miami, on the north bank, at the foot of the Rapids. Proctor was in no haste to attack, seemingly confident that his prey could not

escape. But by April 30th he had completed two batteries on the bluff nearly opposite Fort Meigs, and on the 1st of May opened a continued cannonade upon it. But Harrison had caused to be constructed a very heavy "traverse" or earth embankment, through the middle of the fort, parallel with the river, so that the cannonade did little damage to the fort or troops. On the 2nd, a third battery was opened, and on the next day still a fourth. Colonel Proctor having abundant water transportation and control of the lake, was quite lavish of his ammunition. The bombardment continued vigorously through the 1st, 2nd and 3rd, but slackened on the 4th when Proctor sent a flag with a demand for surrender of the fort, which Harrison without a moment's hestitation declined. That night came the glad news that General Green Clay with 1,100 Kentuckians was advancing down the Maumee to his relief, and was only eighteen miles distant. Clay was directed to land 800 of his men on the left (north) bank and capture the British batteries, spike the guns, disable the carriages, and then, without delay, cross to the fort on the south bank fighting their way in, if necessary.

General Clay assigned Colonel Dudley, his senior colonel, to the work of taking the batteries.

Colonel Dudley effected a landing some distance above and came upon the rear of the batteries, which were quickly taken and the guns spiked. But a part of his troops, elated by their easy success, contrary to orders, pushed on beyond the batteries toward Proctor's main camp. There, scattered in confusion through

the woods, they were fiercely attacked by the Indians, many of them killed, and the greater number taken prisoners. Colonel Dudley was tomahawked and scalped, and only about 170 out of 800 escaped to Fort Meigs, and what should have been a brilliant victory was converted into a disastrous rout.

General Clay with his remaining troops effected a landing on the south bank and reached the fort without serious loss. Harrison now took the aggressive, and ordered a sortie against two batteries below the fort on the south (or east) bank. The sortie was successful, the batteries were taken, the guns spiked and the detachment—mostly regulars under Colonel Miller of the 19th U. S.—returned to the fort.

So ended the operations of the 5th of May. When he left Malden, Proctor had promised the Prophet the Territory of Michigan as his share of the spoils, while Tecumseh was to have General Harrison as his reward.* But his Canadian militia were deserting in large numbers. Their farms were calling them, while the Indians, disappointed and morose at the failure to make good, went at their own sweet will. But before they went, they repeated the horrors of River Raisin, only the slaughter was more diabolical, more a bloody carnival even than at Frenchtown.

While this wanton slaughter was going on at old Fort Miami, Tecumseh arrived from the south side, and in stentorian tones commanded the Indians to desist. Seeing the infamous Proctor a passive spectator of the

*Drake's Life of Tecumseh 179.

butchery, he demanded why he had not stopped it, to which he replied, "Your Indians will not be commanded." Tecumseh retorted, "You are not fit to command. Begone! Go put on petticoats!"*

Proctor with the remnant of his army returned to Malden as he had come, leaving a part of his cannon behind him. There he disbanded his militia, confident that he would not be disturbed until the Americans had a fleet on Lake Erie.†

But the lessons of the campaign of 1812 were beginning to bear fruit. During the winter of 1812-13, Oliver Hazzard Perry, a young lieutenant in the navy, had been sent to Presque Isle (Erie, Pa.), with artisans and sailors to gather or create a navy that could contest the control of Lake Erie. He found none of the facilities usual for ship-building. His ship timber was growing in the forest; but pushing his work with zeal and energy, by midsummer he had afloat a little fleet, armed and manned.

But the British were alert and watchful of the situation. They had added to their own fleet, and by the time Perry was ready for sea, Captain Barclay was outside Presque Isle, awaiting him with a force equal or superior to his own.

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*Drake's Life of Tecumseh 182.

†In the following July, in order to give the Indians something to do, he again crossed Lake Erie, and appeared before Fort Meigs, but failing to draw General Clay (then in command) outside his defenses, he reimbarked and sailed to Lower Sandusky (Fremont) where having in vain summoned Fort Stephenson to surrender, he attempted to take the fort by storm (Aug. 2) and was decisively repulsed by Major Croghan and his gallant garrison of 160 men, and abandoned the attack and once more returned to his sentry box at the mouth of the Detroit.

A bad bar at the mouth of the harbor, while it kept Barclay from attacking, also kept Perry inside, as he could not cross the bar in the presence of the enemy. But at last Barclay became tired of the waiting game, and set sail for Malden and the Detroit river.

Perry availed himself of this opportunity to get outside, which he did by removing some of the heavy guns from his larger vessels, and lightening them across the bar. Perry's squadron consisted of the brigs *Lawrence* and *Niagara,* and the schooners *Ariel, Porcupine* and *Tigress* built at Erie, and the brig *Caledonia,* captured from the British by Lieutenant Elliott, in Niagara river, and four small schooners, purchased at Black Rock, and a gun-boat or two. Perry was ready to go out by July 10th, but had not men enough to man his brigs. Toward the end of July, he received a reinforcement of 70 men, as Perry himself said, "A motley set, blacks, soldiers and boys."

On August 2nd he commenced the operation of getting his fleet over the bar, which was completed on the 5th. After cruising across the lake and not finding Barclay, Perry received on the 9th a reinforcement of a hundred men, which enabled him to fully man his larger vessels, and on August 15th, he reached Put-In-Bay. On August 19th he established communication with General Harrison, who was at Camp Seneca, twenty-seven miles from Sandusky bay. On the 20th, the two commanders met and arranged a plan of campaign. Harrison had gathered an army of seven thousand men with which he proposed to invade Canada as soon as

O. H. Perry

Perry with his fleet should open the way. It was now clearly seen that the task assigned to Hull, to invade the enemy's country with an army of eighteen hundred men, all but three hundred and fifty raw and undisciplined militia, with the control of the lake in the hands of the enemy, was an unreasonable if not a hopeless one. September 1st Perry sailed away to Malden and challenged Barclay to combat; but the latter prudently remained under cover of the guns of the fort, and Perry returned to Put-In-Bay.

On the morning of September 10th, the enemy's squadron was sighted on the western horizon, and Perry at once made haste to meet him. The breeze was very light from the southwest, and made it impossible for Perry to come to close quarters at once, as he desired.

At about noon the action opened. At first, by reason of the short range of Perry's guns and the longer range of Barclay's, the day went against Perry, and at the end of two hours his flag-ship, the *Lawrence,* lay totally disabled on the unruffled waters of the lake. Then it was that he transferred his flag to the *Niagara.* With her, the wind having risen, he dashed through the British line, and in half an hour Barclay struck his flag, in which he was at once followed by the rest of the fleet; and at last the way was open to Canada for the first time. The American loss was 123, of whom 27 were killed. The British loss was 135, of whom 41 were killed.

Lieutenant Perry (afterward commodore) was born

August, 1785, and therefore had just passed his 28th birthday. In its character and in its consequences, the battle of Lake Erie was the most important victory for the American arms during the war. Perry's famous dispatch to General Harrison, written in the very moment of victory, is immortal in our naval annals: *"We have met the enemy and they are ours."*

By the 20th of September Harrison found himself in command of fully eleven thousand men within his department, including a body of three thousand mounted men, led by the venerable Governor Shelby of Kentucky, a veteran of the Revolutionary War. On that day he commenced the embarkation of the army, and by the 24th he had concentrated his force at Put-In-Bay while Colonel R. M. Johnson with a brigade of mounted men was moving by land from Fort Meigs to Detroit by Hull's old route. On the 26th the troops were ferried over to Sister's Island, nearly half way to Malden, and on the 27th the army set out, on sixteen armed vessels and more than a hundred boats, and the same day landed on Hartley's point, at the entrance of Detroit river. Proctor, who was in command at Malden, made haste to get away as quickly as possible,* and when Harrison and his army entered, the same evening, they found the fort, navy yard and ware-houses

*It was about this time that Tecumseh made a famous speech to Proctor. He said "At the battle at the Rapids, last war, (Wayne's) the Americans certainly defeated us, and when we returned to our father's fort at that place we found the gates were shut against us. We were afraid it would now be the case, but instead of that we now see our British Father preparing to march out of his garrison." Drake 189.

smoking ruins. On the 29th day of September, 1813, Commodore Perry with his flotilla reached Detroit, and *Michigan once more came under the stars and stripes,* and on the same day Harrison reached Sandwich. On the 30th Colonel Johnson with his mounted Kentuckians arrived at Detroit, and Harrison proclaimed British martial law at an end, and American civil law restored.

On October 1st Colonel Johnson with his mounted brigade crossed into Canada, and on the next day the pursuit of Proctor was commenced.

Colonel Lewis Cass (now a brigadier in the army) accompanied Harrison as a volunteer aid. Perry with his flotilla conveyed the army-baggage, provisions and ammunition wagons to a point on the Thames, a few miles below the village of Chatham, and also accompanied Harrison as his volunteer aid. Harrison had learned from deserters that Proctor was at Dolsen's with about 700 white troops and 1,200 Indians. He therefore pressed the pursuit with great vigor.

Drake in his life of Tecumseh says: "The retreat was continued toward the Thames. On the 2nd of October, when the army had reached Dalson's farm, Proctor and Tecumseh, attended by a small guard, returned to examine the ground at a place called Chatham, where a deep and unfordable creek falls into the Thames. They were riding together in a gig, and after making the necessary examination, the ground was approved of, and General Proctor remarked "upon that spot they would defeat General Harrison or there lay their bones." But Proc-

tor still had no stomach for the fight, and leaving Tecumseh and his Indians to defend the passage of McGregor's creek, he continued his flight up the Thames, and took up position on the north side of the river, about two or three miles below the Moravian town. Here he was joined by Tecumseh and his warriors, who had abandoned the position at McGregor's, having no purpose to fight Proctor's battles for him.

Here Harrison overtook him on October 5th, and after a very brief action, charging with Johnson's mounted men, completely crushed the line of the British and Canadians, who quickly threw down their arms and surrendered. The Indians fought with greater obstinacy and courage than the whites until Tecumseh fell,* and then they also gave way, and scattered through the woods and swamps. Cut off from British supplies and without means of living, forsaken by the British commander who had ignominously fled at the beginning of the battle; with Tecumseh dead, and faith in the Prophet gone, nothing remained for the Indians but to sue for peace and throw themselves upon the mercy of the Americans.

The battle of the Thames completed what Perry's victory on Lake Erie had so splendidly inaugurated,

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*There were reports that the body of Tecumseh was shamefully mutilated. It seems probable that the reports were only too true. Those who care to look into it, can find it discussed in Drake's final chapter. The Moravian town, the settlement of the Christian Indians, a part of whom were located on Clinton river, on the present site of Mount Clemens, from 1782 to 1786, was burned by the American soldiers, the day following the battle, the excuse being that some of them had been in the fight at River Raisin in the previous January, of which there was no proof.

BATTLE OF THE THAMES—DEATH OF TECUMSEH

restored Michigan once more to the Union, and broke up, once for all, the northwestern Indian confederation, and gave peace to the Maumee and the Wabash.

Proctor was tried and convicted by a court martial and suspended from rank and pay, while Harrison and Perry received a vote of thanks and a gold medal from Congress and the plaudits of their grateful countrymen.

There still remains to be chronicled one further operation on Michigan territory in the following year, and with a brief record thereof we will pass from the war period of territorial history. It will be recalled that five days after General Hull crossed the Detroit, that is, on July 17th, 1812, Lieutenant Hanks* had surrendered Michilimackinac to Major Roberts and his force of British and Indians. Up to midsummer of 1814 it had remained unmolested in the hands of the British, but this fact was rather unimportant to the Americans so long as Detroit continued in the hands of the enemy. But when by the battle of Lake Erie Detroit had been restored to American control, it became important to retake Michilimackinac, both for the control of the straits connecting with Lake Michigan and Lake Superior, and also for its influence upon the Indian tribes in that region.

It was about July 1, 1814, that the expedition for the recovery of Fort Mackinac left Detroit, the land force under Lieutenant Colonel Croghan of Fort Ste-

*Lieutenant Hanks was killed by a cannon shot in the bombardment of Detroit, Aug. 16, 1812.

phenson fame, consisting of 500 regulars and 250 militia, and a small fleet of five craft composed mostly of Perry's old Lake Erie fleet, under command of Captain Sinclair. On arriving at Mackinac island, Croghan was in favor of landing and attacking at once. But Commander Sinclair overruled him, and sailed away to St. Joseph island at the mouth of St. Mary's river, where he arrived on the 20th. They found the post abandoned and the fort destroyed.

Major Holmes was dispatched to Sault Ste. Marie to destroy the post of the British Northwest Company. On arriving there, Major Holmes found that everything that could not be carried away had been destroyed, and returned to St. Joseph's. Once more the expedition sailed to Mackinac, arriving on the 26th. Meanwhile the place had been greatly strengthened and reinforced by a large number of Indians called from the nearby tribes, and from the Green Bay country. After much hesitation and loss of time, the landing was made at the extreme north end of the island, two and a half miles from the fort, the intervening distance being mostly covered with a dense growth of cedars and hemlocks almost impervious to troops. The advance continued, practically without opposition, until one-half the distance to the fort had been covered, when, on emerging from the thicket into a cleared farm, they were met with a heavy fire of musketry and artillery. Major Holmes, who was leading the attack, fell almost immediately, and the loss in killed and wounded among the men was severe. Croghan saw at once that it was impossible to

reach the fort, or to carry it by assault if reached, and retreated to his boats, and the fleet sailed away to Detroit, leaving the two schooners *Tigress* and *Scorpion* to blockade Mackinac, but they were not long afterward both captured by surprise with all their officers and crews.

This concluded the war so far as the territory of Michigan and its immediate frontier was concerned, and Mackinac remained in the hands of the British until surrendered under the treaty of Ghent, in the following year.

CHAPTER XVII

The Treaty of Ghent—After the War

THE treaty of peace and amity which closed the War of 1812-15, was signed at the city of Ghent, Netherlands (now Belgium) December 24, 1814; but it did not reach New York until February 11, 1815, and in the meantime the battle of New Orleans had been fought and won. The treaty was ratified by the unanimous vote of the senate on February 17th, and proclaimed by President Madison the next day. If the administration had gone into the war with great confidence, it got out with still greater unanimity.

The peace was especially grateful to Michigan, not only as a frontier territory, but because it brought quiet *within* her borders with the Indian tribes. It has been already remarked that the Michigan tribes, the Ottawas, Chippewas and Pottawatamies did not, as tribes, follow Tecumseh in his devotion to the British cause. But he gathered the discontented and the ambitious who had a desire to distinguish themselves as warriors, out of many tribes, probably more or less from every tribe.

After the defeat at the Thames most of them made an armistice with General Harrison, compelled thereto by their necessities. General Harrison caused rations to be issued to their starving women and children and at last they became convinced that their "British Father," across the water, could no longer protect and feed them, but it was long after this before British officials and agents ceased to cultivate the Michigan Indians by means of the distribution of presents and annuities.

Indeed when the commissioners assembled at Ghent

to formulate the treaty of peace, the very first demand of the British commissioners was that we should set apart for the Indians the vast territory comprising the states of Michigan and Wisconsin and a large part of Illinois, Indiana and Ohio, as an Indian Reserve or Sovereignty, under British guaranty, and bind ourselves never to purchase it from them. The American commissioners indignantly rejected the suggestion, and proposed to return home.*

Immediately after the battle of the Thames, General Harrison returned to Detroit with his aid-de-camp, General Cass, and installed him as military governor of Michigan, with his brigade as garrison.

On October 29, 1813, General Cass was appointed by the President, civil governor of the Territory of Michigan, to which he was re-appointed in 1817, 1820, 1822, 1825 and 1828, and until August 1, 1831, when he resigned the office of governor, to accept that of secretary of war in the cabinet of President Andrew Jackson.

General Harrison was ordered to the Niagara frontier and from there to Sackett's Harbor, near the foot of Lake Ontario, and thence was given leave to return to Ohio. A want of understanding having arisen betweeen the general and the secretary of war, (Armstrong), on May 11, 1814, he tendered the resignation of his commission as major general in the United States Army, and ended his military career.

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*President James B. Angell, address at Detroit, July 11, 1896.

The next year he was appointed commissioner to negotiate treaties with the northwestern tribes, in which capacity we shall presently meet him again.

The war was over, so far as Michigan was directly concerned, but not the *effects* of the war.*

The towns—and especially Detroit—swarmed with homeless, half-starved savages; their towns on the Maumee, the Miami, the Wabash, the St. Mary and the St. Joseph had been destroyed, and they, abandoned by their late allies, were a constant source of terror and anxiety to isolated settlers and an ever present obstacle to emigration to the Peninsula.

To improve this condition of affairs was one of the first cares of General Harrison as Indian commissioner and of General Cass as civil governor of Michigan Territory.

On the 8th day of September, 1815, a treaty was signed at Spring Wells† (near Detroit) by William Henry Harrison, Duncan McArthur and John Graham, commissioners on the part of the United States, and the Wyandot, Delaware, Seneca, Shawanese, Miami, Chippewa, Ottawa and Pottawatamie nations, by their sachems, chiefs and warriors, to the following effect:

Art. 1. The United States give peace to the Ottawa, Chippewa and Pottawatamie tribes.

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*McLaughlin in his life of Cass says: "The French 'habitants' had been pillaged of all movable property, beside, many Indians separated from their British allies, were dependent upon the humanity of the whites to keep them from starvation. * * * When the Indians were not begging they were plundering, murdering and scalping."

†In more recent times written Springwells.

Art. 2. The United States restore the rights, privileges, etc., they had before the beginning of the late war, and said tribes agree to place themselves under the protection of the United States and of no other power.

Art. 3. In consideration of the fidelity of the Wyandot, Delaware, Seneca and Shawanese tribes through the late war, and the repentance of the Miamies, the United States agree to pardon such of the chiefs and warriors as have continued hostilities against them until the close of the war, and permit the chiefs of their tribes to restore them to the stations and properties they held before the war.

Art. 4. The said tribes—that is, the Wyandot, Delaware, Seneca, Shawanese, Miamies, Chippewa, Ottawa and Pottawatamie —agree to renew and confirm the treaty made at Greenville in the year 1795, and all the subsequent treaties to which they were parties, and the same are hereby again ratified and confirmed in as full a manner as if inserted in this treaty.*

Signed by the Commissioners and by the Indian chiefs.

Two years later, on September 29, 1817, Governor Lewis Cass and General Duncan McArthur as commissioners on the part of the United States, concluded a new treaty at Maumee Rapids, with the Wyandots, Ottawas, Chippewas and Pottawatamies, by which the Wyandots ceded lands on the Maumee and the Auglaize, and the Ottawas, Chippewas and Pottawatamies ceded their lands, beginning where the west line of Ohio crosses the Miami of the lake, and including in the description all their lands up to that before ceded by the treaty of Detroit (Brownstown) in 1807.

The treaty is a very long one, of much detail, and making a large number of particular reservations for individuals.†

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*VI American State Papers p. 12.
VI American State Papers p. 131.

By the treaty of Saginaw, made at Saginaw (Sagana) September 24, 1819, by Lewis Cass, commissioner on the part of the United States, and the Chippewa nation, the latter ceded to the United States all the land comprehended within the following lines and boundaries. Beginning at a point on the present Indian boundary (corresponding to the north and south line between Clinton and Shiawasse counties) six miles south of the intersection of the "base line," so-called, thence west sixty miles, thence in a direct line to the head of Thunder Bay river, thence down the same to its mouth, thence northeast to the national boundary, thence along the same to the line established by the treaty of Detroit in the year 1807, thence with said line to the place of beginning.*

This extinguished the Indian title to the lands lying within sixty miles west of the Hull treaty line, and thence north to the headwaters of the Thunder Bay river, being roughly indicated as the country lying east of the line of the Grand Rapids and Indiana railroad, and north of Kalamazoo.

By the treaty of Chicago, signed August 29, 1821, by Lewis Cass and Solomon Sibley, commissioners for the United States and the Ottawa, Chippewa and Pottawatamie nations, those tribes ceded to the United States all the remaining lands in the Peninsula lying south of Grand river, except a part of what is now

*VI American State Papers p. 194.

Berrien county, lying west of the St. Joseph river,* which remained the reservation of the "Pottawatamies of the St. Joseph," for many years thereafter.

The Indian title to the remaining strip of the Peninsula, along the east shore of Lake Michigan, remained unextinguished during the territorial period.

The treaty of Sault Ste. Marie negotiated by Governor Cass as commissioner, June 16, 1820, with the Chippewa nation cedes to the United States 16 square miles beginning at the Big Rock in the River St. Mary on the boundary, thence down river with the middle thereof to Little Rapids, and extending back from those points for quantity; the Indians reserving a perpetual right to fish and camp thereon. This was the first, and, so far as we have discovered, the only cession of Indian lands in the Upper Peninsula, during the territorial period, and with the other treaties before noted, practically "cleared the decks" for the white settlement, and closed the long struggle, beginning with the Revolutionary War, for a clear and undisputed title in the United States. It had involved two long and exhausting wars with Great Britain, and two long and equally bloody wars with the Indian tribes, as well as an equally long and critical, though bloodless, contest with the Atlantic states, claiming title to the northwest under ancient royal charters.

The treaty of Ghent had brought comparative peace and quiet to Michigan from the long harrassment of

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*VI American State Papers.

British and Indian foes; but it took some years for prosperity to follow in their train.

Hitherto the presence of the Indian tribes and the practical impossibility of securing a good and clear title to the lands had been a great obstacle to immigration to Michigan; but now just when these had been in a great degree removed, another obstacle arose in a most unexpected quarter, to which we will refer more at length in the next chapter.

CHAPTER XVIII

Military Bounty Lands Located in Michigan

ON May 6, 1812, there had been approved an Act of Congress "to provide for designating, surveying and granting military bounty lands," for the benefit of soldiers who should enlist in the war then about to commence.*

This act provided for the survey of six millions of acres of military bounty lands, of which two millions of acres were to be located and surveyed in the Territory of Louisiana, two millions of acres in the Territory of Illinois, and two millions of acres in the Territory of Michigan. As this act had a curious subsequent history as related to Michigan, it will be well to refer to it further at this time. The act itself described the lands to be surveyed as "lands fit for cultivation."

By an act of Congress approved April 29, 1816, entitled "An act to authorize the survey of two millions of acres of public lands in lieu of that quantity heretofore authorized to be surveyed in the *Territory* of *Michigan as Military Bounty lands,*" that part of the act of May 6, 1812, which provided for the survey of two million acres of said lands in the Territory of Michigan was repealed, and the survey of 1,500,000 additional acres authorized in the Territory of Illinois, and 500,000 acres thereof in the Territory of Missouri.† In this latter act, no reason is given for the change in location; but it was based upon an official report of the surveyor general of the state of Ohio, Edward Tiffin,

*24 Annals of Congress 2202.
†29 Annals of Congress 1900.

who had been entrusted by the commissioner of the general land office with the making of an examination of the military bounty lands in the territory of Michigan. The report is dated at Chilicothe, Ohio, (the then capital) November 30, 1815.

It would be a most interesting document to embody here, but it is long, and one or two brief extracts must suffice to show its character.

The report begins thus: "Description of the military land in Michigan. The country on the Indian boundary from the mouth of the Great Au Glaize river, and running thence for about fifty miles, is (with some few exceptions) low, wet land, with a very thick growth of underbrush, intermixed with very bad marshes, but generally heavily timbered with beech, cottonwood, oak, etc., thence continuing north and extending from the Indian boundary eastward the number and extent of swamps increases, with the addition of numbers of lakes from twenty chains to two and three miles across." After much more labored and depressing description he says: "It is with the utmost difficulty that a place can be found over which horses can be conveyed." He concludes this remarkable report as follows: "Taking the country altogether so far as it has been explored, and to all appearances, together with the information received in regard to the balance, it is so bad there would not be more than one acre out of one hundred, if there would be more than one out of one thousand, that would in any case *admit* of *cultivation*." As all the military lands were to be *"fit for cultivation"* of

course there was nothing for Congress to do but to repeal the act authorizing the location of a part of the lands in the Territory of Michigan, and to re-locate them in the high, dry and salubrious regions of Missouri.

This curious and long-forgotten incident will bring a smile, perhaps of incredulity, to the faces of thousands of people, should it ever meet their eye, now dwelling on the magnificent farms in the southern tier of counties of Michigan, and they will wonder whether the Ohio surveyor general ever saw Michigan at all, and whether he did not get lost in the swamps of the great Auglaize or the Maumee.

It seems most reasonable to believe that the region his agents and surveyors really saw was in Ohio, or if in Michigan, it was in that part which Ohio subsequently wrested from the territory before it was admitted to the Union as a state.

But the report of the surveyor general had gone to the general land office, and thence it had gone to Congress, where it became officially known that "not one acre in one hundred, if there would be more than one out of one thousand" of the land in Michigan was fit for cultivation, insomuch that it was made the basis for the repeal of the act for the location of the bounty lands.

The fame of the "great dismal swamp" of Michigan went abroad and it soon turned aside the tide of immigration, which passed by her doors to other and less desirable localities.

In 1818, one William Darby made a "tour" to Detroit, and on August 14th, he wrote from that city thus:

"Though the soil is good in general, some of it excellent, and all parts well situated for agriculture and commerce some causes have hitherto operated to prevent any serious immigration to Michigan Territory.

For upward of a month I have been traveling between this city and Geneva in the State of New York, and I have seen hundreds removing to the west, but not one in fifty with the intention of settling in Michigan Territory. By the census of 1810 the inhabitants there were 4,762.

Since 1810 no increment has been added of consequence to the mass, except that of natural increase. The city of Detroit contains (1818) at least 1,200 people."*

It is not strange that immigrants were not rushing to Michigan, when a high official of Ohio had reported, and the Congress of the United States had accepted the theory, that not one acre in a hundred was "fit for cultivation."†

The period from 1815 to 1819 was a period of depression and stagnation. Not only was the Ohio report and the action of Congress against the territory, but it had been left prostrate by the war, and here a further extract from "Darby's Tour" will be instructive. He says (p. 199) "The ancient settlements were formed along the water courses, and continue to be in most part the only establishments yet made in the territory."

There were no roads in the territory, save the one from Maumee Rapids to Detroit, by which the armies

*Darby's Tour 200.

†Edward Tiffin, the surveyor general who made the report had been president of the convention which framed the State constitution of Ohio, and first governor of the state.

had come and gone. It will be remembered that when, in 1812, Colonels McArthur and Cass attempted to find a back route by which to get from Detroit to Frenchtown, they utterly failed. Since 1812 no progress had been made in road-building. The people had been otherwise engaged; and no one dared to settle in the interior for fear of the Indians, so there was as yet no use for roads into the interior. A road extended northeasterly up Detroit river and along Lake St. Clair and river, certainly as far as the Clinton river, and probably as far as the present site of St. Clair.

The population was still mostly of the old French *"habitant"* type, careless, thriftless, easy-going and highly convivial. Their houses and small farms and gardens occupied the most eligible sites from Frenchtown to Lake St. Clair. And in this connection it will be of interest to quote from Darby's Tour a picture of conditions in 1818, when the devastation of the war had been somewhat repaired. He says (p. 190) "Detroit is now a place of extensive commerce with all the attributes of a seaport. * * * The resident society of Detroit has all the exterior features of a flourishing and cultivated community, as much so, equivalent to numbers, as any city of the United States." The following is a picture of Detroit river. "In coming up the strait, when the woods of Grosse Isle are cleared, both shores exhibit a line of farm houses, interspersed with orchards and gardens. The settlements on the United States side continue up the rivers Ecorces and Rouge, which together with those along the strait present

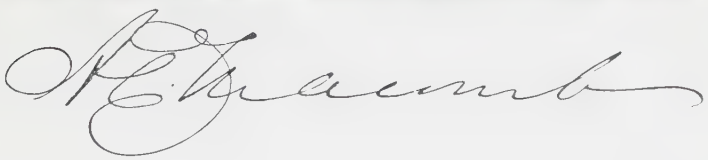
a country in a high state of culture. Farm follows farm on both banks, which with the houses, windmills and vessels on the strait afford a fine picture of agricultural and commercial prosperity." This is a rather attractive picture, but it is a picture drawn from the deck of a vessel sailing up the river, and, moreover a picture of all that was attractive in Michigan at that time.

In an address delivered before the Historical Society of Michigan at its annual meeting in 1832, John Biddle, who was the delegate in Congress from the Territory of Michigan in the 21st Congress (1829-'31) said: "As an *American* community, founding its prosperity upon the permanent resources of its own industry, Michigan may date its origin from the year 1818, and if the original forest had then covered the shores of the Detroit river, there are grounds, at least plausible, for the supposition that they might at this moment have exhibited a higher degree of improvement than that which we now witness."*

His idea seems to be that the settlements of the French *habitants,* absorbing as they did the best part of the most accessible lands on the river front, had been a real obstacle to the settlement of the more thrifty and enterprising American emigrant from the east.

But very important changes, both political and industrial were now transpiring or close at hand, which would overcome the incubus of the Ohio surveyor's report, the lack of communication with the east, the absence of

*Historical Sketches 163.



roads to the interior, and the apathy of the old French population. Some of these will now be mentioned.

On February 21, 1810, Peter B. Porter, a representative from the state of New York (afterward Major General in the War of 1812) presented to Congress a petition from citizens of the Territory of Michigan, praying that they be allowed to send a delegate to Congress. It was ordered to lie on the table.* This was the first attempt at representation in Congress, made in the territory.

By an act of Congress approved April 19, 1816, Indiana territory was authorized to form a state constitution and organize a state government, and on December 11th, following, she was admitted into the Union of states on an equality with the original states. By her constitution, and by the act of Congress admitting her, the northern boundary was fixed *ten miles north* of the southern boundary of the Territory of Michigan, thus cutting off from Michigan a strip ten miles wide from Lake Michigan to the west line of Ohio, in violation of the ordinance of 1787, and of the act fixing the boundary of the Territory of Michigan January 11, 1805. But Michigan was at that time unrepresented and could make no effectual protest.

In the fifteenth Congress—1817-1819—Illinois and Mississippi had been admitted as states into the Union, giving to each of them two senators and a representative in Congress. The senators from Illinois took their seats December 4, 1818, and upon the admission of that

*21 Annals of Congress 1428.

state, her nothern boundary was fixed at latitude 42 degrees and 30 minutes north, the southern extreme of Lake Michigan being in 41 degrees 37 minutes, so that the ordinance line was moved almost a degree northward in order to give Illinois a wide frontage on Lake Michigan, as the Indiana line had been moved to give that state a port on that lake. On the admission of Illinois (December 3, 1818), all that was left of the old Northwest Territory, embracing Michigan, Wisconsin and Minnesota east of the Mississippi became *Michigan Territory,* and so remained until the organization of Wisconsin Territory April 20, 1836, and the Northwest Territory disappeared from the map.

In 1818, the Indian title having been extinguished over a large part of the Peninsula, and there being some indications of a tendency of immigration thereto, the first land office in the territory was opened at Detroit. This was an epoch, for now, for the first time, settlers could acquire lands outside the old French and British grants along the Detroit river.

But a more important epoch was at hand, for on February 16, 1819, was approved an act of Congress, entitled "an act authorizing the election of a delegate from Michigan territory to the Congress of the United States, *and extending right of suffrage to the citizens of said territory.*"* It is difficult to realize that until that time there had been no right of suffrage in Michigan, except there may have been a polling place at Detroit for the election of a delegate to the first or second gen-

*34 Annals of Congress 2479.

eral assembly of the Northwest Territory in 1798, 1799 and 1800.

Under this act Michigan territory proceeded to elect a delegate in Congress, and the election resulted in the choice of William Woodbridge, the secretary of the territory. Delegate Woodbridge took his seat in the House December 10, 1819; but a search of the Annals of Congress does not disclose any subsequent mention of his name, nor do we find any measure introduced in his name or for him, or the record of any speech made by him. The entire record in the Annals is that "December 10, 1819, W. W. Woodbridge appeared, produced his credentials and qualified and took his seat as the delegate from the Territory of Michigan."* William Woodbridge the first man to represent Michigan in the National Congress, was a native of Connecticut, where he was a lawyer. He came to Michigan as its secretary, in 1815, from Ohio.

Mr. Woodbridge was subsequently governor and United States senator from 1840 to 1847. Delegate Woodbridge resigned in 1820, and was succeeded by Solomon Sibley of Detroit in the session of Congress which assembled November 13, 1820.

Solomon Sibley who succeeded Mr. Woodbridge in the sixteenth and seventeenth Congresses was a native of Massachusetts, whence he migrated to Marietta, Ohio, from which place he removed to Detroit soon after the British surrendered that post, and is said to have been the first permanent *American* settler there.

*35 Annals 712.

After the expiration of his term as delegate, he was appointed judge of the Supreme Court of the territory which office he continued to hold as long as Michigan remained a territory.

CHAPTER XIX

Advantages From War of 1812

TWO great advantages to Michigan resulted from the War of 1812. First, it brought about the construction of three passable roads connecting Detroit with the valley of the Ohio, and thence with the East, namely: the eastern route to Lower Sandusky (Fremont) and thence through "the great black swamp," over fifteen miles of "corduroy" to the Rapids of the Maumee; the middle route, being Hull's road from Urbana by Findlay to the same point; and third, the western route, the same used by General Wayne in 1794, and by Harrison and Clay in 1813, via Fort Recovery and Greenville to Defiance, and thence down the Maumee to the Rapids, where was then the Michigan boundary. While there were none of them that could be called good, the eastern and western routes afforded considerable river transportation and were supplemented at Sandusky and the Maumee Rapids respectively, by water routes to Detroit. Michigan was no longer shut off from civilization by two hundred miles of unbroken wilderness.

The other advantage was that many thousands of soldiers; regulars, volunteers and militia, a great many from Ohio and Kentucky, and others from Pennsylvania, and even from faraway Virginia, had come with Hull and with Harrison, had looked upon the majestic Detroit with its beautiful islands, had noted the farms stretched along the Michigan shore, with their fruitful orchards and white paled gardens; and had seen the beautiful Raisin with its vine-clad banks, and the

clear Huron, and the deep flowing Rouge, gliding down from the deep-wooded interior, hinting of possible water-falls and sites for flouring and saw-mills, and eligible locations for villages and towns. They had gone back with the report that Michigan was not one boundless morass, across which it would be impossible to "convey" a horse, and of which not one acre in a hundred would be "fit for cultivation." One other thing it had done. It had left as governor of the territory a young man, only a little past thirty—of New England birth and ideals—active, energetic, enterprising and ambitious to overcome the "hoodoo" on the Territory, and make it in fact, as well as in name, an American commonwealth. The effect of the Ohio report must be overcome; the old French population must, if possible, be drawn into the current of American life, and the tide of immigration turned toward Michigan. From 1815 to 1830 the personal influence of Governor Cass, in the Territory, with the government at Washington, and in the country at large, was a most powerful element in the life of Michigan. It may almost be said that the history of his life is the history of the territory until 1830.

A momentous event was at hand. It was the advent of the steamboat on the lakes. In 1817 a steamer had appeared on Lake Ontario, and on May 28, 1818, the *"Walk-in-the-Water"*—the first steamboat that ever floated above the falls of Niagara—was launched at Black Rock on the Niagara river. Much trouble was experienced in getting her into the waters of Lake Erie, but on August 27, 1818, she reached Detroit, and

inaugurated a new era for Michigan. She continued to run with as much regularity as possible between Detroit and Buffalo until she went ashore in a storm in the fall of 1821.* She was succeeded by the *Superior* and by others in quick succession, until, before the close of the territorial period they were landing a thousand passengers daily at Detroit and other ports, for Michigan territory. Everything was awakening from the long lethargy of the French period, and reviving from the destruction and desolation of the war. The land office was open. The public surveys were being pushed. Excellent lands were being offered on the banks of the Raisin, the Huron, the Rouge and the Clinton for a nominal price. In 1820 the census showed a white population of 8,591 and Detroit numbered 1,415. The American influence was becoming constantly more and more dominant. The British loyalists had mostly moved into Canada.

In 1817 the newspaper came to stay, as represented in the *Detroit Gazette.* This, though the first *newspaper,* was not the first periodical printed in Michigan. As early as August, 1809, Father Gabriel Richard, the Roman Catholic priest of the parish of St. Ann, commenced the publication, partly in the French language, of a small sheet devoted to religious, literary and miscellaneous topics, which he called the "ESSAY." Those who are curious can see a reproduction of the first num-

*LaSalle and the Griffon, C. M. Burton, (1902) p. 16.

ber of the Essay in the Detroit Journal of July 11, 1896.*

A still more important event was at hand—the opening of the Erie canal from the Hudson river to Lake Erie, affording an all-water route from New England, New York and the central states to Michigan, Ohio and the West. The canal and the steamboat on Lake Erie supplemented each other. The "western fever" was on in full force. Every "packet" on the canal was crowded to its capacity. Each steamer out of Buffalo took a full quota of emigrants seeking the Great West as home seekers or as land speculators.

This influx was making itself felt in the demand for local governments in the territory. Until 1817 one county had sufficed for the territory, and all records were kept and other county business transacted at Detroit, the county seat of the one county of Wayne, organized by Governor Cass in 1813, soon after his appointment. But in 1817, Monroe county was organized to accommodate the settlers on the River Raisin.† And in 1818, Macomb county was established for those around Lake St. Clair and the Huron (now Clinton) river; and Mackinac county the same year for those around the straits and St. Mary's river, followed by

*See Centennial Celebration of Evacuation of Detroit. C. M. Burton, 1896, page 136.

†It is probable that the immediate occasion of the organization of Monroe County in 1817 was the visit which President Monroe made to the territory that year. He arrived about the middle of August, accompanied by a number of distinguished personages. There was a grand military fete in his honor, and when he started to return by way of Ohio, Governor Cass accompanied him on his return trip.

Henry R. Schoolcraft

Oakland in 1819 and St. Clair in 1820, and in 1822 by Lenawee (from Monroe) and Sanilac, Saginaw and Shiawasse (from Oakland), and Washtenaw (from Wayne). This rapid organization of counties shows clearly that settlements were now penetrating the interior, else there would have been no demand for these interior counties.

On May 24, 1820, Governor Cass with a considerable party including Henry R. Schoolcraft, as geologist, and C. C. Trowbridge, assistant, started on a long tour of exploration of the upper lakes. They arrived at Sault Ste Marie on June 14, where a council with the Indians, through the rashness of some of the hot-heads, came near resulting in bloodshed, which was averted by the personal coolness and courage of Governor Cass. The expedition proceeded along the south shore of Lake Superior, to St. Louis river, which they ascended, and crossing to the Mississippi river, explored that as far as Red Cedar lake. Returning up the Wisconsin and down the Fox to Green bay, Governor Cass spent some time there, and returned by way of Chicago, and the land route from there to Detroit. During his absence Secretary Woodbridge acted as governor at Detroit.

But to return to governmental matters: On November 20, 1820, Solomon Sibley "qualified and took his seat in Congress as delegate from Michigan territory," but we find no further mention of him during that session.

On Friday, June 3, 1823, Mr. Sibley presented a petition of sundry inhabitants of the Territory of Michigan

praying "that said territory may be admitted to the second grade of territorial government" (under the Ordinance of 1787) by the establishment of a territorial senate and house of representatives. The petition was referred to the committee on the judiciary.*

About this time we find what seems to us a curious piece of congressional legislation. On March 3, 1823, was passed a law providing that "the proper accounting officer of the war department be and he hereby is authorized and required to adjust and settle the accounts of any person or his assigns or legal representatives who may have purchased or ransomed from captivity any citizen, officer, soldier, or other person aforesaid, upon equitable principles." This act was designed especially for the benefit of certain persons at Detroit who had ransomed prisoners from the Indians. This bill is interesting for another reason; it brought out from delegate Sibley the first speech, so far as appears, ever made by a Michigan representative in Congress. He explained the nature and reasons for the bill. His explanation was lucid and satisfactory, and the bill passed without difficulty. This, so far as appears from the Annals of Congress, was delegate Sibley's only speech during his term.

Another measure which became law on the same day was "an Act to establish an additional land office in the Territory of Michigan" which provides that "it shall be established at such place as the president shall designate."†

*40 Annals of Congress 482.
†40 Annals of Congress 1404.

When it is considered that Michigan Territory at that time extended to the Mississippi river, the necessity of this will be evident.

Another act resting upon similar reasons was an act to "provide an additional judge for the counties of Michilimackinac, Brown and Crawford, as such counties are now defined.*

The court was to have the powers of the Supreme Court, and jurisdiction concurrent with county courts, and was to hold sessions yearly at Prairie du Chien, Green Bay and Mackinac. This act was approved January 30, 1823. Another act of great interest to the territory, which became law March 3, 1823, was the act "To amend the ordinance and acts of Congress for the government of the Territory of Michigan and for other purposes," by which a territorial legislative council was provided, in lieu of the "Governor and Judges," as the legislative body.

The act provides for a council of nine, to be selected as follows: The electors of the territory to choose 18 persons, and the names of the 18 having the greatest number of votes "shall be transmitted by the governor to the president who shall nominate, and by and with the advice and consent of the senate shall appoint, therefrom the said legislative council." The acts of said council not to be valid if disapproved by Congress. Their pay was two dollars per day. They were author-

*40 Annals of Congress 1339.

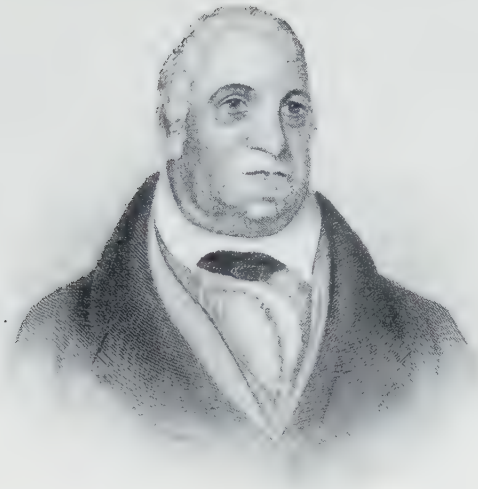
ized to submit to the electors of the territory the question of a general assembly.*

Another important act was the "act for laying out and making a road from the lower Rapids of the Miami of Lake Erie (Maumee) to the western boundary of the Connecticut reserve, in the state of Ohio, agreeable to the provisions of the Treaty of Brownstown." The act itself and the debate thereon clearly imply that the lower Rapids of the Maumee were in the Territory of Michigan.†

On December 8, 1823, Gabriel Richard, of Detroit, took his seat in Congress as delegate from Michigan territory. His seat was promptly contested by John Biddle, who set forth in his petition that Richard was not a citizen of the United States, for the reason that the territorial court before which he had been naturalized had not jurisdiction under the naturalization laws of the United States to admit aliens to citizenship. But the committee of the house reported that he was duly naturalized, and he retained his seat.§

Gabriel Richard was delegate one term, 1823-1825. He was born in France, educated for the priesthood, came to Detroit in 1798, and in 1809, as before stated, published the first paper ever printed in Michigan. He also printed a number of religious books. The *"Essay"* did not pay and was soon discontinued. He was much interested in educational matters and was concerned in

*40 Annals of Congress 1395.
†40 Annals of Congress 547.
§For full report see 41 Annals of Congress 814.



JAMES MAY
(FIRST CHIEF JUSTICE)

JAMES WITHERELL
(AN EARLY JUDGE)

GABRIEL RICHARD
(VICAR GENERAL SULPITIAN)

founding the branch of the University of Michigan in Detroit.

Among his people he was a power for good, and a public spirited citizen. He died in the cholera epidemic at Detroit September, 1832. During his term as delegate was passed the act (approved May 26, 1824) to authorize the surveying and making of a road from a point in the northwestern boundary of the state of Ohio, near the foot of the Rapids of the Miami of Lake Erie (Maumee) to Detroit in the Territory of Michigan."* This was the first of the "Territorial roads" constructed in Michigan.

This act shows that in 1824 Congress understood that the northern boundary of Ohio was at the lower Rapids of the Maumee.

The act provided that the road should be opened and made under the direction of the President of the United States, who might employ the troops of the United States in its construction. It appropriated twenty thousand dollars for the purposes of the act.

Father Richard was succeeded in 1825 as delegate by Austin E. Wing, of Monroe, who represented the territory in Congress in the nineteenth, twentieth and twenty-second Congresses. For the 21st Congress he was defeated by John Biddle, of Detroit, who had filed the contest against Gabriel Richard in 1823.

Austin E. Wing was a native of Massachusetts, born in 1791; received a common school education, removed to Michigan and took his seat as delegate December 5,

*42 Annals of Congress 3251.

1825, at the age of 34. After the admission of Michigan as a state, he was appointed United States Marshal for the district of Michigan. He did not again represent the state, but removed to Cleveland, Ohio, where he died August 25, 1849.

John Biddle who was a delegate in Congress from 1829 to 1831 came to Michigan from Pennsylvania as an Indian agent. At the expiration of his term as delegate, he was appointed register of the U. S. land office at Detroit. He remained a prominent citizen of Detroit many years, and died August, 1859, at the age of 70.

We have already quoted from Mr. Biddle's address before the Michigan Historical Society in regard to the progress of the territory. As he was at the time the register of the land office at Detroit, that fact will give value to this further extract from his address, in regard to the amount of land which had been surveyed and sold in the territory until 1831. He said: "According to an estimate I have made the quantity that has now been surveyed amounts to about 10,000,000 acres, of which somewhat less than one million has been sold."*

Lucius Lyon of Bronson,† in the 23rd Congress, and George W. Jones, elected just before the admission of the state into the Union, from that part of the territory west of Lake Michigan, complete the list of Michigan's representatives in Congress during the territorial period. These two mark an epoch in the political history of

*Historical Sketches p. 165.
†Now Kalamazoo.

Michigan. Lucius Lyon came from Kalamazoo county, in the western half of the territory, and was the first delegate chosen west of Detroit and Monroe; and his election indicates the extent to which settlement had already spread to the western part of the state.

George W. Jones came from what soon became Wisconsin and his election recognizes the incipient statehood of Michigan. The 24th Congress, to which he was elected extended from December, 1835, to March 3, 1837. Michigan had framed a State Constitution in 1835, and Lucius Lyon and John Norvell had been chosen first United States senators, but were not admitted to their seats until January 26, 1837. George W. Jones was delegate for Michigan until January 26, 1837, and after that for the Territory of Wisconsin.*

During the two years incumbency of John Biddle, we have found no record of his taking any part in Congressional debates.

During the 20th Congress (1829-'31) an act was passed giving an enlarged idea of the extent of Michigan at that time. It was "an act to change the time and place of holding court in the County of Crawford, in the Territory of Michigan," and provided that court should be held at Mineral Point in the County of *Iowa* (now state of Wisconsin) instead of at Prairie du Chien (Wisconsin) and that the jurisdiction of said court

*At the semi-centennial of the University of Michigan in 1887, Hon. George W. Jones was present and made an address, as the only living Representative of Michigan as a territory. Though well past 80 years of age, he was vigorous and spoke extemporaneously, and with a strong, full voice, the last of the old regime.

should continue the same as if the said county of *Iowa* had not been divided.

Another act passed by this Congress, with a historic background, was one for the relief of the legal representatives of Jean Baptiste Coture, and provides for the payment of $2,000 for the value of the store, dwelling, lumber house, stable, etc., of said Coture, at Frenchtown, *destroyed by British and Indians on the 23rd day of January,* 1813.* This was the date of the massacre of Frenchtown, one of the most horrid events of the War of 1812.

But while these things were being done in Congress, the territory was steadily growing; settlements were extending, roads and other improvements were being made, new counties organized and towns laid off, so that the census of 1830 showed a white population of 31,639; and the tide of immigration was setting more strongly than ever to the "Beautiful Peninsula." All signs betokened that the period of statehood was near at hand.

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*9 Debates in Congress XV.

CHAPTER XX

Under Governor Cass' Administration

IT is interesting to note the steady advance made under the administration of Governor Cass in the direction of local and territorial self-government. Governor Cass was a democrat in the best signification of the word. He believed in the rule of the people; and though thereby he often diminished his own powers and functions, he was constantly advocating a larger and larger measure of popular government.

In 1823, as we have before seen, a legislative council of nine was provided, to be appointed by the president from among the eighteen receiving the highest vote of the electors. At the same time the free-hold property qualification, which had been inherited from the Ordinance of 1787, was abolished or discontinued. In 1824 the legislative council passed a new city charter for the city of Detroit, and General John R. Williams was the first elected mayor under it. Before this time the governor and judges and the territorial council had been city council and mayor.*

In 1825 county officers, except judicial, were made elective, which was a very large extension of the franchise in matters most intimately affecting the people; and the legislative council was increased to thirteen.

In 1827 the electors of the territory were authorized by law to choose all the members of the territorial council directly, without intervening appointment by the president, but the acts of this legislative council required

*Before this the governor and judges had appointed two mayors, Brush and Solomon Sibley.

the approval of Congress; and the veto power was retained by the governor.

This continued to be the legislative system until changed by the framing of the state constitution in 1835.

It was in 1826 that Governor Cass made one of his long trips to the upper lakes by canoe. During this trip he negotiated the treaty of Fond-du-Lac with the northern tribes, by which the United States acquired the right to search for and mine minerals on lands not yet ceded to the government.

In the absence of Governor Cass, William Woodbridge performed the duties of governor.

The great obstacle to the progress of the territory during the decade from 1820 to 1830 was the want of roads into the interior of the Peninsula. The settlers were too few and too poor to make roads for themselves, and the territory had no means for making them; and so appeal was made to the general government to assist, in the interest of the settlement of the country and the sale of the public lands. As a result, in 1826 the government made provision for the construction of several "territorial roads;" particularly from Detroit to Fort Gratiot; from Detroit to Saginaw Bay, and from Detroit to Chicago. The road from Perrysburg, on the Maumee, to Detroit had already been provided for in 1824, and all these roads had been commenced and were in process of building, when an act was approved May 31, 1830, "making appropriations for examinations and surveys, and also for certain works of internal improvement."

Among the items in this act we find the following:

For continuing the road from Detroit to Fort Gratiot, $7,000.

For continuing the road from Detroit to Saginaw Bay, $7,000.

For continuing the road from Detroit to Chicago, $8,000.

An act of Congress interesting both as showing how extensively post offices had been established, and also the early spelling of some familiar names, is "An act to establish certain post roads and to alter and to discontinue others," approved April 3, 1832. "In Michigan territory * * * from Detroit to Tecumsee, by way of Ypsilanti, *Sabine* and Clinton. From Pontiac to Sagana; from Ypsilanti to the mouth of the River St. Joseph, on the territorial road, by way of Ann Arbor and Jacksonburg."

In continuance of its former appropriations for road building, on July 4, 1832, Congress passed "An act to authorize the surveying and laying out of a road from Detroit to the mouth of the Grand river of Lake Michigan, in the Michigan territory." For the purpose the President was to appoint three commissioners, and $3,500 was appropriated for the survey.*

On the same date is found an act for a like survey of a road from La Plaisance bay (mouth of River Raisin) to intersect the Chicago road.

In January, 1833, provision was made for a new land office in the territory, the new district to embrace the

*13 Debates of Congress, Appendix.

lands *east* of the *principal meridian,* and ranges 1, 2, 3, 4, 5 and 6 south.* The office was located at Monroe.

Now the pressure for better roads is again manifest. March 2, 1833, there was an appropriation of $15,000 "for continuing road from Detroit to Saginaw bay," and "for road from Detroit to Grand river of Lake Michigan, $25,000." "For continuing road from Detroit *toward* Chicago, in the territory of Michigan, $8,000;" which probably means that the money was to be expended in the Territory of Michigan. Also this appropriation: "For paying the balance due the commissioners for surveying and marking the road from La Plaisance bay to intersect the road to Chicago, within the territory of Michigan $608.76. For making the said road, $15,000." We see that already the government had provided for the building of roads from the west line of the Connecticut Reserve (near Sandusky, Ohio) to the Michigan line at the Rapids of the Maumee, and from there to Detroit; from Detroit to Fort Gratiot; from Detroit to Saginaw, from Detroit to the mouth of Grand river on Lake Michigan; from Detroit to Chicago, and from Monroe to intersect the latter road.

The only River and Harbor appropriation made for the territory was that for the improvement of La Plaisance bay, (mouth of River Raisin) for which the first appropriation was made in 1827, and the last in 1836, the total amount being about $49,000.

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*15 Debates, App. 1.

A modern River and Harbor bill would not recognize it even for a poor relation.

June 30, 1834, the president approved "an act to aid in the construction of certain roads in the Territory of Michigan. Among other things it appropriated as follows:

For road from Sheldon's to Lake Michigan at the mouth of the St. Joseph river	$20,000
For road from Port Lawrence (Toledo) to Adrian	10,000
Road from Niles to mouth of St. Joseph	10,000
Road from Clinton on the Chicago road through Jackson county to the rapids of the Grand	10,000

On February 24, 1835, Congress passed a bill appropriating $30,000 for a harbor at the mouth of the River Raisin (21 Deb. 403) and on March 3, 1835, an act to authorize the sale of certains lands belonging to the University of Michigan and described as "on the Maumee river of Lake Erie," and "near Toledo." (21 Debates app. 426).

The extent to which settlement was penetrating the interior is indicated not only by the building of these new roads, and the establishment of post-routes, but also by the demand for the organization of new counties.

In 1829 the legislative council signalized its gratitude for the newly conferred popular election, by the organ-

ization of an entire group of new counties, named after the president, vice-president and cabinet, Jackson, Calhoun, Ingham, Eaton, Barry, Branch, Van Buren, Cass and Berrien, to which must be added the same year Hillsdale, St. Joseph and Kalamazoo, thus extending the two southern tiers of counties entirely across the peninsula to Lake Michigan.

In connection with roads and interior communications it may here be noted that in 1833 the United States removed the military stores from the old arsenal on the site of the present city hall, Detroit, to Dearborn, at the point where the Chicago road crossed the River Rouge. R. E. Roberts in his "Detroit" tells us that the new arsenal was "the largest and finest structure in Michigan at that time."

We come now to consider an act of Congress connected with a controversy destined to have much influence upon the history of the territory and the state. On July 14, 1832, the president approved an act introduced and urged to its passage by Senator Thomas Ewing of Ohio, being "an Act to provide for taking certain observations preparatory to the adjustment of the northern boundary of the state of Ohio." It provided "that the president of the United States cause to be ascertained by accurate observations the latitude and longitude of the southerly extreme of Lake Michigan, and that he cause to be ascertained by like observation the point on the Miami of the lake which is due east therefrom," etc. (13 Debates, appendix XLVI.)

As we are now nearing the period of the great boundary controversy between Ohio and Michigan, which delayed the admission of Michigan into the union from 1835 to 1837, and at one time threatened armed collision between the two commonwealths, it is well to pause and explain the origin and nature of the dispute.

This was not a new question. It had been brewing ever since Ohio formed her state constitution in 1802. The origin cannot be more tersely stated than has been done by Judge Cooley in his *"Michigan."* He says: "To understand its merits it is necessary to go back to the Ordinance of 1787. One of the Articles of Compact of the Ordinance was that there should be formed in the Northwest Territory thereby organized not less than three nor more than five states, and the boundaries were designated. If three were formed they were to be bounded on the east and west by lines which now constitute the east and west boundaries of Ohio, Indiana and Illinois, respectively, but continued north to the national boundary. But Congress reserved the right to form one or two states in that part of the territory which lay north of an east and west line drawn through the southerly bend or extreme of Lake Michigan.

This was declared to be an article of "compact" "between the original states and the people and the states in said territory," and by the express terms of the ordinance was to "forever remain unalterable unless by common consent;" and it never by common consent had been abrogated or changed. On the contrary by the enabling act for the admission of Ohio into the Union, the north-

ern boundary of that state had been made "an east and west line drawn through the southern extreme of Lake Michigan, running east from its intersection with a due north line from the mouth of the great Miami, to Lake Erie or the territorial line, and thence with the territorial line to the Pennsylvania line."

When in 1805 the Territory of Michigan was organized this same east and west line through the southern bend or extreme of Lake Michigan, was made the southern boundary of Michigan, and so it appears to have remained unquestioned until about the time that the people of Michigan began to agitate for the organization of a state government and admission into the Union. The western boundary of the Territory of Michigan was made a line running north from the point of contact of the east and west line with the southern extreme of Lake Michigan to the northern end thereof, and thence due north to the national boundary. This settled the point that Congress intended eventually to exercise its option to erect two states instead of one, north of the line east and west through the southern extreme of Lake Michigan.

To again quote the words of Judge Cooley: "The people of Michigan had, therefore, two rights solemnly guaranteed to them by the ordinance, neither of which could be taken from them without their consent. These were first to have a line drawn due east from the southern extreme of Lake Michigan for their southern boundary, and, second, to be admitted into the Union as a state on reaching a population of sixty thousand." Not only had

this right, as to the southern boundary, existed *de jure,* but it had been exercised *de facto,* and had been recognized repeatedly and constantly by both the United States and the territorial government. The United States government had attached the lands north of the falls of the Maumee to the Monroe (Michigan) land district; it had recognized the boundary of Michigan as at the Rapids of the Maumee in the survey and building of the Ohio-Michigan road from the Connecticut Reserve to the lower falls of the Miami of Lake Erie; it had located the Michigan University lands on the Maumee river; it had recognized the same boundary in the building of the road from the Rapids of the Miami to Detroit.

On the other hand the territorial government of Michigan had, without let or hindrance, exercised all the usual acts of jurisdiction to the line running due east from the southern bend of Lake Michigan. It had organized counties, townships and districts to that line; had extended the jurisdiction of its courts and its judicial process to the same boundary; in short, in every way that the case admitted, it was fixed as the boundary between Ohio and Michigan.

The few people residing within that limit voted in election districts created by Michigan, and corporations were organized under the territorial government of Michigan, to build roads and to exercise their jurisdiction within the strip extending to the due east and west line.

How, then, did the dispute arise? In this way:

When the Ordinance of 1787 was enacted the exact latitude of the southern extreme of Lake Michigan was not known—had not been determined—but was supposed to be somewhat farther north than it finally proved to be. Therefore when the people of Ohio framed a constitution in 1802, in describing the boundaries of the inchoate state, the convention first followed the boundary as laid down in the enabling act; that is, the east and west line through the southern extreme of Lake Michigan, and then, out of an abundance of caution, they inserted an alternative northern boundary, as follows: "That if the southern bend or extreme of Lake Michigan should extend so far south that a line drawn east from it should not intersect Lake Erie, or if it should intersect said Lake Erie *east of the mouth of the Miami river* of the *lakes,* then and in that case, *with the assent of the Congress* of the United States, the northern boundary of this state shall be established by and extend to a line running from the southern extreme of Lake Michigan to the most northerly extreme of the Miami bay; after intersecting the due north and south line from the mouth of the great Miami river aforesaid; thence northeast to the territorial line, and thence through Lake Erie to the Pennsylvania line."

It will be noticed that this alternative boundary was made to depend upon *the assent of the Congress of the United States,* which was never expressly given, and which in the face of the compact of 1787 *could not be implied.*

But soon after the admission of Ohio into the Union an attempt was made to secure the assent of Congress to Ohio's boundary; but on December 6, 1803, this provision was stricken out in the senate, and from that time until the close of the War of 1812, the question seems not to have been again raised.

May 20, 1812, an act was passed authorizing the president to ascertain and designate certain boundaries. The war then intervened and prevented the survey, but on August 22, 1816, the commissioner of the general land office directed the surveyor-general to "engage a faithful and skillful deputy to mark said northern boundary agreeable to the act of May 20, 1812."

The commissioner, in a letter to the secretary of the treasury, June 5, 1818, said "Having never heard of the *proviso* in the constitution of the State of Ohio relative to its northern boundary, I had uniformly supposed it to be an east and west line drawn from the southern extreme of Lake Michigan."

But the deputy employed, without authority of law or instruction from the department, ran the line according to the *proviso* in the Ohio constitution. This brought out a protest from Governor Cass of Michigan to Edward Tiffin, then surveyor general.*

Tiffin was an Ohio man; had been first governor of the state as well as a member of the constitutional convention that framed the constitution and the proviso, and it may be not unfairly inferred that he had some-

*This Edward Tiffin was the same who in 1816 had made the famous report on the military bounty lands in Michigan.

thing to do with the running of "the Harris line" in accordance with said *proviso,* instead of with the *law.*

Governor Cass wrote (Detroit, Nov. 1, 1817):

"Report says that the line which has been recently run purporting to be the line between the state of Ohio and this territory, was not run a due east course from the southern extremity of Lake Michigan to Lake Erie, but a course somewhat to the north of this, although how much I am unable to ascertain. The act of Congress organizing this territory makes its southern boundary a due east line from the southern extremity of Lake Michigan, and this act is in strict conformity with the fifth of the articles of compact, in the ordinance for the government of the Northwest Territory; these are declared to be unalterable except by mutual consent."*

*Those who care to examine into the merits of this famous contest, which at one time threatened actual war between Ohio and Michigan, can find the documents in a volume entitled "The Appeal by the Convention of Michigan," under date June 1, 1835, Sheldon & McKnight, Printers, Detroit.

CHAPTER XXI

The Boundary Dispute With Ohio

THE dispute over the Michigan-Ohio boundary, inaugurated as described in the last chapter, raged with greater or less continuity from 1817 to 1837, from the day of the Harris survey, until the hour that Michigan was admitted into the Union, on an equality with the original states.

It was a very unequal fight. In 1817 Ohio had in Congress two senators and six representatives, while Michigan had not even one poor delegate without the right to vote. At the end of the struggle, in 1836, Ohio had two senators and *nineteen* representatives while Michigan had one delegate who could speak, but had no vote. But every day of these twenty years the right and the law were with the territory, though the power was with the state. On the 3rd of January, 1818, the governor and judges of the Territory of Michigan addressed to the Congress of the United States a formal and solemn memorial undoubtedly drawn up by Governor Cass, in which they recite the entire history of the boundary dispute to that date.

The memorial is ably and clearly drawn, and is signed by Lewis Cass, governor, A. B. Woodward, John Griffin and J. Witherell, judges.

After reciting the provisions of the Ordinance of 1787, the enabling act of April 30, 1802, the seventh article of the constitution of Ohio, containing the alternative boundary to which Congress had never given its assent, and the act of January 11, 1805, in which the due east and west line through the southern extreme

of Lake Michigan, was expressly made the southern boundary of the Territory of Michigan, thus definitely *excluding* it from the State of Ohio, the memorial then proceeds:

"YOUR MEMORIALISTS beg leave to state that during the past summer a line was run, under the direction of the Surveyor General, intended to be the boundary between this territory and the State of Ohio. This line instead of being on an east and west line from the southern extremity of Lake Michigan, agreeably to the acts of Congress before mentioned, was run on a course north 87 degrees 42 minutes east, and strikes Lake Erie at the northern cape of Miami bay, taking from the southern boundary of this territory, seven miles and forty-nine chains and adding it to the State of Ohio. The legislative power of this territory is by law vested in your memorialists, and they conceive they would fail to discharge the duties of their station were they not to submit this subject to the consideration of the national Legislature."*

In conclusion the Memoralists pray:

"The undersigned respectfully submit the subject of this memorial to the consideration of Congress, and pray that the boundary line between this territory and the State of Ohio may be run and established agreeably to the provisions of the Ordinance of Congress of 1787, and of the several acts of Congress heretofore passed upon the subject."†

This memorial produced the desired effect; and on June 24, 1818, W. H. Crawford, secretary of the treasury, directed the commissioner of the land office "to have the northern boundary of Ohio run and marked in conformity with the act of 20th May, 1812;" that is, on the due east and west line.

On the 2nd of November, 1818, the surveyor general

*The Appeal of the Convention 35.
†Appeal of the Convention 42.

transmitted to the commissioner of the land office the notes and plats of the new survey, made by one John A. Fulton. This became known as "the Fulton line," while the first line running to the north cape of Miami bay was known as "the Harris line," and the strip lying between was called the "Toledo strip" or the Maumee strip, and was the bone of contention. Michigan claimed to the "Fulton line," while Ohio claimed to the "Harris line,"* and this was the cause of "the Toledo War."

But the Fulton survey proved very unsatisfactory and inadequate. He did not establish the *latitude* of the southern extreme of Lake Michigan, nor did he determine the latitude where the east line intersected the Maumee river, nor where it reached Lake Erie. These were all left unsettled questions. As a starting point he accepted the intersection of Harris's line east from Lake Michigan with the north and south line between Ohio and Indiana. His plat showed a variation in latitude on different portions of the line.

Duplicate copies of both surveys were forwarded to the secretary of the treasury on March 7th, 1820, and on the 8th transmitted by the president to Congress. Here the matter rested until the 18th of March, 1828, when the committee on territories of the house of representatives made a report recommending that the correct *latitude* of the several points be accurately ascertained.

It was in furtherance of this recommendation that

*Appeal to the Convention 25.

Senator Ewing of Ohio, secured the passage of the act of July 14, 1832, mentioned in the last chapter, as the introduction of this subject matter. The time limited for completing these observations was subsequently extended to December 31, 1835, by act of March 2, 1833, and the execution of the work was entrusted to Captain Talcott, U. S. Army.* The "Talcott line" corresponded closely with the Fulton line, intersecting the Maumee not more than 300 yards therefrom.†

One of the last official acts of Governor Cass, before his resignation, was to send a message to the legislative council of Michigan (Jan. 5, 1831,) in which he ably and clearly reviewed the history of the controversy to that date.

From this time forward, the question of the southern boundary becomes complicated with that of statehood, so that it is quite impossible to separate them.

Despite the ridiculous report made by the Ohio surveyor general, Edward Tiffin, in 1815, the word had gone back to the east that Michigan was not a bad country to settle in; that it was in fact a fair land, of diversified surface, of magnificent forests, of fine waterfalls, of excellent soil, and in some parts, with park-like oak openings and flowery prairies.

Since 1830, and even before, emigrants had been pouring in, rapidly extending the area of settlement and cultivation, building roads and bridges, opening farms,

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*See Congressional Document No. 497 1st Sess. 23rd Congress.
†Appeal of the Convention 24.

laying out new towns, erecting school houses and churches and utilizing the natural resources in water power and navigable waters. As early as the fall of 1832, the question was submitted by the territorial council to the people, whether they desired to apply to Congress for an act to enable them to form a state constitution and organize a state government. The vote resulted in an affirmative, and accordingly early in 1834 Congress was memoralized to grant an enabling act, authorizing Michigan to form a state constitution and be admitted to the Union.

In July, 1831, President Jackson tendered Governor Cass a place in his cabinet as secretary of war, and thereupon the governor forwarded his resignation as governor to take effect August 1. Under the law establishing the territory, the territorial secretary became acting governor in the absence or disability of that official. Governor Cass being at the same time Indian commissioner for the negotiation of treaties throughout the northwest, was frequently absent from the territory for periods of considerable length. At such times, from 1818 to 1830, William Woodbridge, the territorial secretary, was acting governor.

In 1830, General John T. Mason of Virginia,* was appointed secretary, and during two brief periods in the autumn of 1830, and spring of 1831, was acting governor. But he soon tired of the place, and resigned to

*But recently *officially* resident in Kentucky.

go abroad,* and was succeeded by his son, Stevens Thompson Mason, who on the taking effect of Governor Cass's resignation became acting governor of Michigan, being yet under twenty-one years of age.

He became one of the most picturesque figures in Michigan history, and as "the Boy Governor," and the first elected governor of the new state, his name became one of the best known in the annals of the state.

He was twice elected governor of the state; the first time before the admission of the state into the Union November 3, 1835, and the second time November, 1837, entering on his duties January 1, 1838, and holding until the election of William Woodbridge in 1840.

During his last term Governor Mason was much absent from the state, and Edward Mundy was acting governor in his place.

At the end of his term Mason removed from the state to New York City, to engage in the practice of the law, where he died January 4, 1843, at the early age of 31 years. So ended the meteoric career of Michigan's "Boy Governor." When he first became acting governor in 1831, a mass meeting of the citizens of Detroit (the capital) was held to protest to the president against the appointment of a boy to preside over the destinies of the rapidly growing territory, and to secure his removal. Mason had notice of the meeting, and at once appeared before the committee of five appointed to wait on

*There seems some question in regard to the cause of General Mason's resignation, but it is supposed he went abroad in some capacity as the representative of President Jackson. It is also claimed that he went to Mexico on some business speculation.

him, answered the speeches that had been made, and plead his own case with such earnestness, modesty and good sense, that he won the hearts of the majority. He stated explicitly that the president knew his age when he appointed him, and that he did it with deliberation, and for reasons well understood by the president in view of the absence of his father abroad. He promised in important matters to consult the wise counsellors of the territory; and from that time forward threw himself so earnestly and unreservedly into the cause of the territory and state as to become popular, and to be greatly regretted on his removal from the state and lamented at his untimely death.

Soon after the resignation of Governor Cass, George B. Porter, of Pennsylvania, was appointed to succeed him, but it was not until June, 1832, that he appeared and assumed the functions of the office, and from that time until his death, July 6, 1834, he was absent from the territory a considerable part of the time, and young Mason (who meanwhile had been confirmed by the senate) during his absence continued to execute the duties of the office.

On the death of Governor Porter, Mason once more became governor, and by this time having attained the mature age of twenty-three, he convened the legislative council in special session, to take steps to organize a state government.

The vote of 1832 and the memorial of the legislative council in favor of statehood had received scant courtesy at the hands of Congress. The fact was that Ohio, with

her two senators and nineteen representatives, had determined that Michigan should not come into the Union on an equal footing until that state had gained possession of the "Toledo strip" and the mouth of the Maumee river. On September 1, 1834, the Michigan Legislative Council assembled at Detroit, having been summoned by Governor Mason.

On that day he addressed them a special message in which he said:

"The leading purpose of your present session contemplates the speedy admission of Michigan into the Union. Preliminary and essential to the effectuation of this desirable object a census of the inhabitants of the Peninsula, as well as of those west of Lake Michigan ought, it is respectfully suggested, to be immediately ordered and taken.

Congress under the influence of the policy which at present guides their deliberations, have failed to accede to the reiterated applications of Michigan, with a population greater by far than that of other territories, for power to form a constitution and state government. She has but one course left for the assertion of her equal rights. It is to ascertain her population, which is beyond doubt, more than sixty thousand, *to proceed in that event to the calling of a convention for the institution of a state government and to the election of a representative and senators to Congress.* The State of Michigan will then have a right to *demand* admission into the Union."

Here was a program bold, direct and unequivocal, a program which was then adopted and carried through; and though Ohio, with her great power and influence was able to hold off the admission of the state until the "Toledo strip" had been wrested from her, yet when Michigan's first senators and representative took their seats in Congress, it was under this program, and without any "enabling act" of Congress, previously obtained.

Here was an example of democracy in its first degree; the people assuming to themselves their fundamental rights under the compact of the Ordinance of 1787.

It was a new departure and gave rise to violent protest and denunciation in Congress, but it went through, and Michigan became an example of a state *breaking into the Union,* rather than inducted by an enabling act.

It is to be wished that this whole message might be embodied in this history, as one of the *memorabilia* of our past. But only one other paragraph can be here quoted.

"I need not recur at this time to the argument by which our right to our southern boundary, as claimed by Michigan, has been and may be incontestably maintained, but simply refer you to the able, unanswered and unanswerable views of our delegate to Congress last session, a copy of which is herewith transmitted to be spread upon your journals, there to remain whatever may be the final decision of the question, as an indelible record of the unrighteous and unwarrantable claim of Ohio."*

Appended to the message of the governor is the argument of Lucius Lyon, delegate in Congress, addressed to the committee on territories of the house of representatives, certainly a most able, complete, and exhaustive presentation of the case, which has never been answered, but simply overborne by superior force.

*Appeal of the Convention, No. XVI p. 56.

CHAPTER XXII

The Boundary Dispute with Ohio Continued. The "Toledo War"

IT may seem to us now that this boundary question, which was settled on the admission of Michigan as a state into the Union, is unworthy of so extended notice. But we are writing the history of Michigan in the territorial period, *as it then occurred,* and no question during that period—not even the War of 1812—aroused such profound interest or drew out such prolonged and intense agitation and discussion as the "boundary war," especially from 1832 to 1837.

The people of the territory felt deeply that their plain rights were invaded and disregarded, and they were ready to fight for them with arguments or arms.

The echoes of that controversy, involving as it did the admission of Michigan into the Union, have long since died away, and it is an almost unknown history to the great body of the people of Michigan of the present day. The boundless noise and tumult of the great slavery agitation, from 1845 to 1861, and the even greater tumult of the Civil War, completely drowned the lesser noises that had gone before; but in their day they were momentous issues that stirred the whole body politic, and became national questions on which parties divided, and which brought out one of the greatest debates in the history of the senate of the United States, in which such giants as Thomas H. Benton, Henry Clay, John C. Calhoun, John Quincy Adams, John M. Clayton and James Buchanan and many more took part, and in which Thomas Ewing of Ohio, was the bitter, persistent and uncompromising opponent of Michigan.

To the present generation it is ancient history, and for that very reason it may be the more interesting to recall it, and more especially for the reason that the popular histories of the state have no more than a brief account of it, and especially of its *legislative* history.

On the 7th of March, 1835, President Jackson referred the papers relating to the boundary question to the attorney general of the United States, then B. F. Butler of New York, a distinguished lawyer; and on March 21st, he rendered his opinion that the assent of Congress had not been given to "the actual and present extension of the northern boundary," and "thirdly, that until this last mentioned assent shall have been given by Congress, the tract in dispute must be considered as forming, legally, a part of the territory of Michigan."

On December 26, 1834, the territorial council of Michigan had passed an act providing for the appointment of three commissioners, to negotiate and settle all disputes in regard to the southern boundary of the territory.

To this conciliatory movement, Governor Robert Lucas, of Ohio,* responded by a special message to the legislature of that state, under date of February 6, 1835, in which he said:

"I have received from the acting governor of the Territory of Michigan a communication enclosing a copy of an act passed by

*Governor Robert Lucas was born in Virginia in 1781, removed to Ohio as a boy, was a member of the state legislature, brigadier general of militia in 1813. Governor of the state from 1832 to 1836. After that was appointed governor of the territory of Iowa, which continued his place of residence until his death in 1853.

the legislative council of the territory, providing for the appointment of commissioners to adjust the boundary," etc. "In the present case we cannot admit that the legislative council of the Territory of Michigan had any right to authorize a negotiation on the subject of a boundary, or that any arrangement entered into with commissioners appointed under their authority would be binding even on Michigan herself, after she might become an independent state." He then recommends "the passage of a declaratory act, declaring that all counties bordering on the northern boundary of the state of Ohio shall extend to and be bounded on the north by the line running from the southern extremity of Lake Michigan to the most northern cape of Maumee bay * * * and that the county and township officers within these counties and townships be *directed* to exercise jurisdiction within their respective counties and townships thus extended."*

The Michigan Territorial Council, on February 12, 1835, made response to this action of the governor and legislature of Ohio by the passage of "An act to prevent the exercise of a foreign jurisdiction within the limits of the Territory of Michigan," punishing by heavy fines and imprisonment any person who should "exercise or attempt to exercise any official functions" within the limits of the territory or any county thereof "by virtue of any commission or authority not derived from this territory," or from the United States, and punishing in like manner any person residing within the limit of the territory, who should accept any office from any authority other than the Territory of Michigan or of the United States.

The legislature of Ohio promptly passed the law as recommended by Governor Lucas, thus forcibly extending jurisdiction over a strip of land about seven

*Appeal of the convention, 146.

miles wide, along the southern border of Michigan territory, over which the latter had exercised unquestioned jurisdiction for thirty years. In the "Appeal of the Convention," issued by the constitutional convention June 1, 1835, at page 129, will be found a most illuminating expose by Austin E. Wing, who had been territorial delegate 1831-1833, and whose residence at Monroe near the disputed strip gave him exceptional facilities for observing the causes and development of the controversy.*

Under date of May 15, 1835, he says: "Although the legislature of Ohio promptly responded to the call (of the governor) and passed the law, neither of the objects has yet been accomplished. The standard of nullification was unfurled and under the authority of that anomolous law, the chief executive officer of the state, accompanied by major generals, colonels and divers platoons of drafted militia, was with all the pomp and parade of an invading army dispatched to the northern frontier of the state, to awe into instant submission the contumacious governor of Michigan and its handful of enterprising citizens, to run the line now demanded by Ohio." In reading this contemporaneous statement some allowance must be made for the excitement of the time, but it sufficiently indicates existing feeling and the result that should have been foreseen.

Ohio attempted to establish her jurisdiction over the

*Monroe County, Michigan, had since 1817, included the eastern portion of the "Toledo strip."

disputed territory by force, and called out her militia to enforce her claim. Thereupon Governor Mason called out the Michigan militia as a *posse comitatus* to assist the civil officers of Michigan in maintaining and enforcing her jurisdiction over the strip which had been hers since 1805.

The Ohio militia occupied one bank of the Maumee, the Michigan *posse comitatus*—some of them organized in a military way, and under command of military officers, occupied the opposite bank. A surveyor acting under the authority of Ohio within the disputed strip, was arrested under the Michigan law heretofore recited; the person arrested was rescued by the Ohio party, and prosecutions of the rescuers followed; the service of process being effected with the aid of the *posse comitatus* —that is by the militia. The situation had become so strained and the conditions so liable to bring on an armed collision, that President Jackson and his cabinet were very anxious lest such a collision might take place as would compel the President, under the opinion of the attorney general, to take sides against Ohio, which would prove very embarrassing as that state now had twenty-one electoral votes, while Michigan had none. The administration, therefore, undertook the role of pacificator, and proceeded to patch up a peace between the belligerents; and for that purpose, dispatched Benjamin C. Howard, a distinguished democrat of Maryland, and Richard Rush, a well known statesman and friend of the President, as personal commissioners, to seek to bring about a peaceable arrangement and com-

promise. These commissioners were directed by the President, on the 9th of May, 1835, to inform the governor of Ohio "That whenever the crisis referred to in the concluding part of the attorney general's opinion shall arrive (resistance by force to the laws of the United States) in which the power of the civil officers shall be inadequate to the execution of their duties, it will be the duty of the President to employ the means placed in his hands by the constitution and laws to maintain their supremacy; and that, however painful it may be, it is a duty which he is determined to perform."*

The secretary of state of the United States in a letter to Acting Governor Mason (April 20, 1835), said "The President considers it proper that the civil jurisdiction of Michigan should be sustained, and the acts of Congress establishing the territory fully executed until they are repealed or modified by Congress."†

When the "Peace Commissioners" arrived at the Maumee, they proposed to the two governors a compromise on the following basis:

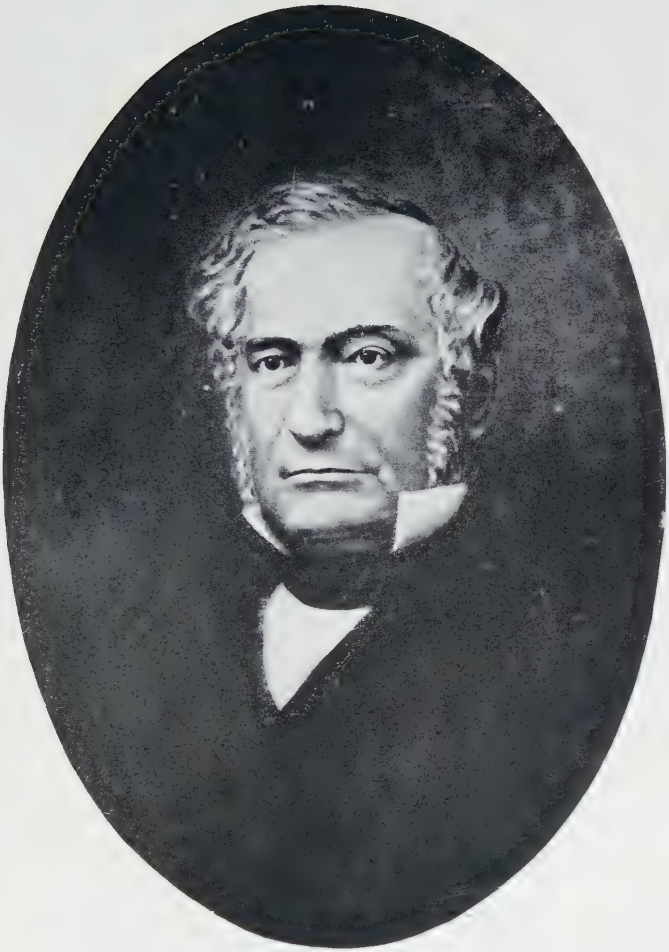
1. The pending prosecutions under the act of February 12, 1835, shall be discharged and discontinued.

2. That no new prosecutions shall be commenced.

3. That the "Harris line" shall be run and re-marked by the authorities of Ohio, without interruption from those of Michigan.

4. That no forcible opposition be made by the authorities of Ohio or Michigan to the exercise of jurisdiction

*Appeal 171.
†Appeal 171.



JAMES DUANE DOTY

by the other upon the disputed territory within the time specified; the citizens residing upon the disputed territory resorting to one jurisdiction or the other, as they may prefer."

Ohio, by her legislature, acceded to the proposals, for she had nothing to lose thereby and all to gain.

Her citizens would be released from prosecution, no new prosecutions begun, the "Harris line" would be run and marked, and more important than all, she would gain a *quasi* jurisdiction over the disputed strip, with the acquiescence of Michigan. Governor Mason, on the other hand, after conference with his advisors, promptly rejeted the compromise; but referred it to the territorial council, which he called in special session August 17, 1835. A committee of the council of which James Duane Doty was chairman, reported on August 19, sustaining the governor. In its report the committee said "We are not, therefore, disposed to regard these propositions as emanating from the President, but rather as the suggestions of two eminent individuals which were promptly and properly rejected by the executive of Michigan. * * * Your committee does not deem it advisable to investigate the merits of this arrangement,, as they are of the opinion that it is entirely incompetent for this council to enter into any arrangement to permit the exercise of a foreign jurisdiction within the limits of Michigan established by the ordinance and acts of Congress."

On the next day, August 20, 1835, the report of the committee was *unanimously* adopted. But already, on

June 1st, the constitutional convention, which had been elected in April and assembled on May 11, a very full and large representative body of the people of the territory, had resolved "That no obstruction or impediment will or ought, in their opinion, to be interposed by the people or authorities of this territory to prevent the running or re-marking of the line called "Harris's line," nor any prosecutions instituted therefore, *provided the same be accompanied on the part of Ohio, by no other exercise of jurisdiction.*"

The crisis was passed. Ohio made no further attempt to take forcible possession of the "Toledo strip," but consented to take her case to Congress where her very large and able representation gave her great advantage.

The militia was withdrawn from the Maumee on both sides, and the "Toledo War" was over for the present. There had been no actual bloodshed, though there had been some affrays, which might easily have developed into bloody reprisals. The whole power and influence of the administration were exerted to prevent this.

Thenceforward the contest proceeded in the halls of Congress only to come to an end on January 26, 1837, when Michigan was admitted to the Union, shorn of the "Toledo strip," but with the addition of that extensive and rich iron, copper and forest country lying west of the line between Mackinac and Schoolcraft counties in the upper peninsula.

It has been a matter of much discussion why Ohio after acquiescing so long in the boundary of Michigan as established three years after the admission of Ohio

into the Union, should suddenly become so importunate and so bellicose upon the subject.

The explanation as given by Austin E. Wing in his letter to John Biddle, president of the constitutional convention, May 15, 1835, is that a large, wealthy and influential land and town-site company organized at Cincinnati, had acquired very extensive landed interests at the mouth of the Maumee river, where they proposed laying out a city, and to make there the terminus of the western Ohio and Indiana canal, one of the numerous internal improvements at that time proposed.

Being an Ohio company and composed of citizens of that state, familiar with the public men and interests of that commonwealth, they naturally preferred to build their city and harbor within their own state rather than in a territory with which they had no relation save the ownership of this property. Whether this is a correct explanation or not is now quite immaterial. For many years Michigan has ceased to regret the outcome of the controversy, however brought about, and however contrary to the just merits of the case at the time.

CHAPTER XXIII

The Battle for Statehood

IT has been already stated that the struggle for statehood and the controversy with Ohio over the old boundary, in which that state counted upon her vast numerical superiority and her large, able and influential representation in Congress to give her the victory, became merged in a single contest, eventually settled by a compromise.

We have seen that early in 1834 the territorial council of Michigan memorialized Congress for the passage of an act to enable them to proceed to form a state constitution and organize a state government, in accordance with the provisions of the Ordinance of 1787; and on May 9, 1834, we find that the senate of the United States took up and proceeded to consider "A bill to authorize *the People of Michigan territory to form a separate state government.*"

At once the fight began. Senator Ewing of Ohio, moved to lay the bill on the table, as the senate was thin, and the subject was important. Senator Tipton (Indiana) urged its consideration without delay. Yeas and nays resulted 14 to 20.

This was the first skirmish in the long campaign. Senator Tipton was at this time an ardent friend of statehood for Michigan, and made an eloquent plea for the people of the territories. Among other things he said: "We might as well undertake to stay the hand of time as to prevent the growth and power of the freemen who will inhabit the valley west of the Alleghany mountains, and between the great lakes and the Gulf of Mexico."

How true a prophet he was, the years have demonstrated.

John M. Clayton of Delaware, said "he had no objection to the bill, but the question of settling the northern boundary of Ohio was before the Judiciary Committee, and he thought this bill ought not to be passed until that was settled;" and on motion of Senator Clayton the bill was laid on the table. (17 Debates 1719).

On May 12th the Michigan bill again came up and on motion of Senator Ewing it was again laid on the table by a vote of 20 to 19. (17 Debates 1724).

On June 5, 1834, the bill "to establish the northern boundary of the State of Ohio" was taken up in the senate. This bill placed the boundary on the "Harris line." Senator Ewing spoke at great length in favor of the bill. Senator Tipton opposed the bill. He said: "Michigan was put in possession of this tract of country many years ago by the Congress of the United States. She has organized her counties, created her court houses and other public buildings, and made all her local arrangements over the territory now in dispute, and it would be unjust to take it from her." (17 Debates 1899-1900).

After further debate a motion to postpone indefinitely was defeated, yeas 9, nays 30. The bill then passed 30 to 9. (17 Debates 1724).

But this was by no means the end. The boundary bill came up in the house of representatives June 11, 1834. Lyon of Michigan, moved to refer it to the committee on judiciary. Allen of Ohio, opposed the reference and

spoke at length in favor of the boundary as fixed by the bill. The debate on Lyon's motion continued the next day. On the 13th of June the bill was committed to a special committee of seven. On June 28th the President approved an act to attach all the territory of the United States west of the Mississippi and north of Missouri and east of the Missouri to the Territory of Michigan, and on June 30th the twenty-third Congress adjourned leaving both the statehood bill and the boundary bill in suspense, and neither was passed at the ensuing short session ending March 3, 1835.

On January 7, 1835, the senate again passed the Ohio boundary bill, amended so as to include the boundaries of Indiana and Illinois. (20 Debates 117). This amendment was a move of the Ohio delegation to secure the votes of these two states in the contest with Michigan.

The twenty-fourth Congress assembled December 7th, 1835, with George W. Jones (from west of Lake Michigan) as delegate from Michigan territory. Martin Van Buren was vice-president and president of the senate, James K. Polk was speaker of the house of representatives, and Thomas Ewing and Thomas Morris were still senators from Ohio.

But since the adjournment something had happened. Michigan, disgusted with the inattention of Congress to her memorials, and tired of waiting for that body to pass an "enabling act" had "taken the bits in her teeth," and had called a constitutional convention, which had met at Detroit on May 11th, 1835.

It was one of the ablest bodies of men over assembled in Michigan. It embraced in its membership future congressmen, United States senators, several governors, a justice of the Supreme Court, a United States judge, and a cabinet officer.

They framed a constitution simple and strong, which served the state as its fundamental law until the new constitution, still in force, went into operation in 1851, and for the purposes of a young state was far superior to the latter, with all its complex special legislation, engrafted upon a constitution. It was a new departure in assumption of statehood without enabling act or sanction of Congress first obtained. This constitution was almost a declaration of independence.*

The convention adjourned on June 24th, after having made its "appeal to the people of the United States," so frequently referred to in the preceding chapters.

The constitution was adopted by the people at an election held in the following October, by a vote of 6,299 to 1,359 against.

John Biddle, former delegate in Congress, was president of the convention, and Charles W. Whipple and Marshall J. Bacon of Detroit, were secretaries. Among the members were John Norvell and Lucius Lyon, first United States senators from the state; Isaac E. Crary, first member of Congress; governors William Woodbridge, Robert McClelland, Edward Mundy and John S. Barry; judges Ross Wilkins and Randolph Man-

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*See note at end of this chapter.

ning, also John J. Adam, future auditor general of the state. McClelland also became secretary of the interior.

As the census of 1834 had shown a population largely in excess of the requirement of the Ordinance of 1787, for the organization of a state government (namely 60,000) and as they thought they knew that their constitution was "republican in form," they conceived that under the "Compact" between the United States and the people of the Northwest Territory, Michigan was "of right" entitled to organize a state government for herself, and to be admitted into the Union.

She had, therefore, at the time the constitution was submitted to the vote of the people, elected a governor and lieutenant governor and members of the legislature, under the constitution, also a member of Congress, and prepared to put the machinery of the state in full operation. Under the new constitution, the other state officers were appointed by the governor, either with or without the advice and consent of the senate, except the state treasurer, who was chosen by the legislature.

Secretary and acting governor, Stevens T. Mason, was elected first governor under the constitution, and Edward Mundy of Ann Arbor, who had been a member of the constitutional convention from Washtenaw county, was chosen lieutenant governor.

The following were duly appointed state officers:

Kintzing Pritchett, secretary of state.

Henry Howard, state treasurer.

Robert Abbott, auditor general.

Daniel Le Roy, attorney general.

John D. Pierce, superintendent of public instruction.

The last named of these, the Reverend John D. Pierce, who continued in office until April, 1841, has left a very lasting monument to himself in the public school system of the State of Michigan, which he worked out, it is said, in collaboration with Isaac E. Crary of Marshall, the first member of Congress from the new state.

Mr. Crary was born in Connecticut, and was educated in the public schools of that state; studied law, and came west with the tide of emigration, and settled in the practice of the law at Marshall, the county seat of the new county of Calhoun.

In the militia organization of the state he was nominally a brigadier general, from which circumstance he was popularly known as "General" Crary. He represented the state in Congress from 1835 to 1841 or, rather, from the day the state was admitted to 1841.

John Davis Pierce was born in New Hampshire in 1797, graduated at Brown University, studied for ministry, and for a number of years was a teacher in schools of the higher class. He came to Michigan as a congregational home missionary, in 1831, and settled at Marshall. These two New England men were drawn together in the little frontier Michigan town, and jointly labored in working out Michigan's first public free school law, on which the high standing of the state is to a great extent based. It is said, too, that the young governor was often consulted in the formation of the school law, which did not however, become practical until after

the admission of the state. General Crary was a gentleman of considerable ability, both as a lawyer and as a public man, but in an evil hour he allowed himself to be put forward to make a speech in Congress against the military record of General Harrison, and when Thomas Corwin of Ohio had completed his sarcastic reply, John Quincy Adams of Massachusetts referred to Mr. Crary as "the *late* General Crary of Michigan."

Unfortunately the sarcasm has been remembered longer than any of the really valuable services of Michigan's first representative.

The governorship of the territory passed through many vicissitudes during the closing years of the territorial period. General Cass's resignation took effect August 1, 1831, and Stevens T. Mason, as secretary, became acting governor.

On August 6th, George B. Porter of Pennsylvania, was appointed to succeed Cass; but Mason appears from the record to have been acting governor the greater part of the time until Governor Porter's death, which resulted from an attack of cholera July 6th, 1834, and then Mason once more became acting governor.

On account of Mason's peremptory refusal to accept the terms of settlement proposed by Rush and Howard, Jackson's "Peace Commissioners" in the "Toledo War," an attempt was made to remove him as secretary and acting governor, by the appointment of Judge Charles Shaler as his successor, August 29, 1835, but Shaler declined the appointment. Shaler had been a resident of Cleveland, Ohio, and it was he who as a young lawyer had vol-

unteered in June, 1812, to carry the dispatch announcing the declaration of war to General Hull, coming up with him at River Raisin, July 2, 1812, as related in the narrative of Hull's campaign. He then accompanied Hull's army to Detroit where he remained until the surrender; but now twenty-three years later, he had no inclination to return to Michigan in the existing state of feeling toward Ohio.

On the 15th of September, 1835, President Jackson appointed John S. Horner of Virginia, to be secretary of Michigan, in place of Shaler, declined.

In due time he arrived at Detroit, prepared to assume the duties of secretary and acting governor of the territory, so far as he should be permitted so to do. But there was an almost universal disposition at Detroit to stand by Governor Mason and the state movement, and to let the new acting governor severely alone, both socially and officially.

Just before his coming there had been a decided recrudescence of the boundary dispute, and a second edition of the "Toledo War." Near the end of July, 1835, Governor Lucas of Ohio had determined to make another attempt to complete the re-marking of the "Harris line," interrupted on the arrival of the "peace commission." The President exerted his influence to prevent Governor Lucas pressing the matter, though some of the surveying party, who had been arrested by order of Governor Mason "languished in durance vile" until acting Governor Horner pardoned them and ordered their release.

But Governor Lucas, acting under the Ohio law, had ordered a court to be held at Toledo on the first Monday in September, 1835. Troops were again called out on both sides. The judge, under cover of darkness, and an escort of twenty mounted men, fully armed, entered Toledo at three o'clock in the morning of September 7th, and went through the farce of opening court in a school house, by the light of "a lantern dimly burning."

While this alleged opening of court was going on in the outskirts of the town, Colonel Austin E. Wing of Monroe, with a hundred "Wolverines" was in the central part of the town for the express purpose of preventing the holding of an Ohio court.*

Apparently satisfied with this *pro forma* assertion of Ohio jurisdiction, Colonel Van Fleet, commanding the Ohio contingent, withdrew his forces beyond the Maumee, and General Brown, commanding the Michigan militia, recalled them to Monroe and disbanded them, and the second edition of the Toledo war came to a bloodless end.

Such was the situation when Secretary Horner arrived at Detroit. Public feeling was greatly excited. The people resented the removal of Governor Mason. At a public meeting held in Detroit, resolutions supposed to have been framed by a future United States senator, were passed, inviting Governor Horner "to return to the land of his nativity."

The election under the new constitution was close at

*See History of Seneca County, Ohio, W. Lang 1880.

hand. The state legislature met and organized November 2nd, and on the 3rd Stevens T. Mason was inaugurated first governor of the state, and Horner's occupation was gone, though he lingered in Michigan during the ensuing winter.

In May following he was transferred, as secretary, to the region west of Lake Michigan, now organized as the Territory of Wisconsin, and disappeared from Michigan history below the western horizon.

The legislature remained in session until November 14th, and on the 10th chose Lucius Lyon of Bronson,* and John Norvell of Detroit, first United States senators from Michigan. So it came to pass that when the 24th Congress assembled on December 7th, 1835, it found a new-born state at its threshold, with two senators and a representative waiting to take their seats.

The "statehood bill" and "the boundary bill" were both dead and the whole matter had to be taken up *de novo,* under these complicated conditions.

The struggle was at once precipitated. Some very grave and far-reaching questions were involved. Could a new state be organized without a previous *enabling act* of Congress?

Could such a state exist without Congress having first decided that her constitution was *"republican in form"?* and in accord with the Ordinance of 1787? Could there be such a thing as a "state," in the sense of the constitution, within the United States, and *not a member of the Federal* Union? Was such a state

*Now Kalamazoo.

entitled to admission into the Union *as a matter of right,* having the requisites of the Ordinance of 1787?

These were some of the questions that gave pause to our statesmen. The question was further complicated by the near approach of the presidential election of 1836.

The second term of Andrew Jackson was drawing to its close, and Martin Van Buren, then vice-president, was heir apparent to "Old Hickory," and he might need the electoral vote of Michigan, which, under the long and influential tutelage of Governor Cass, was believed to be a reliable democratic state, if state it could be considered or made. The administration was therefore desirous that Michigan should be admitted before the election.

But the situation was a delicate one in other respects. Michigan by her constitution had claimed as within her boundary not only the Toledo strip, contested by Ohio, but also the ten mile strip from Lake Michigan to the Ohio line, which had formed a part of the state of Indiana since 1816.

By this course she had alienated and arrayed against her not only the Ohio delegation of two senators and nineteen representatives but also the two senators and eight members of the house from Indiana, who up to this time had been most faithful advocates of Michigan's cause.

Senator Tipton of Indiana, who had spoken most eloquently for Michigan on the boundary bill and the enabling act, now joined hands with Senator Ewing

of Ohio, the most bitter opponent of Michigan, in barring her out, unless she would renounce all claim to the ten mile Indiana strip.

But, so far from doing so, Michigan had admitted the inhabitants of that strip to vote on the constitution and for state officers, in the adjoining counties of Michigan. This seems to us to have been most unwise. The great struggle was opened on December 10, 1835, when President Jackson communicated to Congress by message "the constitution of the *State of Michigan.*"

On motion of Senator Benton (Mo.) leader of the administration senators, it was voted to refer it to a select committee of five, and ordered printed with the accompanying documents.

On the same day Senator Benton presented the credentials of Lucius Lyon and John Norvell elected "as senators for the term of six years from the fourth of March last, from the *Territory of Michigan,*" and moved that "the courtesy of the senate be extended to them, by assigning seats to the new senators, in the customary mode under similar circumstances, on the floor of the senate." Senator Ewing moved to lay the motion on the table, which was done.

On the 15th Senator Benton called up his motion. Senator Clay said: "The first question is, is Michigan to be admitted into the Union, and has she a right to send senators. When that is decided, everything else would follow in its natural and appropriate and legitimate order."

Senator Benton replied to Senator Clay at length. On

motion of Senator Clayton (of Delaware) the motion again was laid on the table. So ended the first skirmish.

December 21st Senator Ewing (Ohio) introduced "a bill to define and settle the northern boundary of Ohio," and addressed the senate at great length.

On December 22nd the senate elected the special committee "on the Michigan matter" as follows: Thomas H. Benton (chairman), Silas Wright (N. Y.) John M. Clayton (Del.) John J. Crittenden (Ky.) and W. C. Preston (S. C.). This was a very distinguished committee, and to it was ultimately referred the whole "Michigan matter" including the constitution, the boundary and admission to the Union.

Here we pause before the final struggle.

Before passing from this chapter, however, we ought to say a few additional words personal to the governors of Michigan, during her territorial period of whom there were four. Generals Hull and Cass and Geo. B. Porter, appointed by the president, and "the Boy Governor," elected by the people. The first of these has been sufficiently characterized by the story of his administration from 1805 to 1812. During that period the territory was at a standstill. There were no surveyed lands, no land office, no settlements in the interior. Detroit and its environs constituted the whole territory.

Governor Hull was not a "strenuous" man. With him the period of ambition and hard work was passed. He was not looking for hard tasks. He was apt to take the line of least resistance. The portrait of General

Hull which has come down to us, shows us a mild, gentle and humane countenance, and one wonders as he looks upon it that the man to whom that face belonged ever gained so high a reputation for bravery and daring as a soldier as William Hull did in the Revolution. He accepted the office of brigadier general and commander of the northwest army reluctantly, realizing the difficulty if not the impossibility of the task assigned, and perhaps also, his own unfitness for it. Had it come to him a quarter of a century earlier, soon after the close of the Revolution, and while he was still in the prime of life, the campaign of 1812 might have left a far different record.

Lewis Cass came to Michigan as colonel of an Ohio volunteer regiment when he was in his 30th year. He was of good, old New Hampshire stock, his father having been a major in the Revolution. He was well educated, young, vigorous, energetic, ambitious, strenuous. Appointed permanent civil governor in 1813, when he was 30 years of age, he made Michigan his home until his death, in 1866, after the close of the great Civil War.

In succession colonel, brigadier general, governor, secretary of war, minister to France, senator, presidential candidate, secretary of state, he had the most distinguished career of any person connected with Michigan in her entire history. Michigan owes much to Governor Cass.

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was elected governor of the state October, 1835, and inaugurated November 3rd following. He was of a distinguished Virginian family, although nominally appointed from Kentucky. He had the immaturity and inexperience of youth, but by his frankness, his good fellowship, his courtesy and his democratic ways, he quite won the hearts of the majority of the people, as evidenced by his two elections to the office of governor.

It would be anticipating future events to add here that his unfortunate connection with the placing of the state five million loan with the Morris Canal and Banking Company in 1838, cost him a further election, and led to his leaving the state in which he had experienced one of the most striking and picturesque careers connected with the history of any territory or state.

Judge Campbell with just discrimination says: "The governor incurred heavy censure for his imprudence and credulity. The charges of personal dishonesty were not generally accepted as just. When he died in 1843 both houses of the legislature passed resolutions of respect to his memory and sympathy for his relatives, and in this they followed the general sentiment. His deficiencies were those of inexperience and were not mean or selfish. His abilities were much beyond his years.*

Governor Mason died in New York city, January 4, 1843, and was entombed in a small cemetery fronting Second avenue, near the lower end of the city. He died from an attack of scarlet fever in the 32nd year of his

*Campbell's Michigan 508.

age, leaving one daughter. In consequence of action taken by the legislature of Michigan, May, 1905, his remains, after resting in New York for almost two-thirds of a century, were brought back to Michigan, and on June 4th, 1905, were reëntombed on the site of the old capitol in Detroit, where the first state government was organized, under his administration.

Impressive ceremonies were conducted under the auspices of the State of Michigan and City of Detroit. An address was delivered by Clarence M. Burton, president of the State Historical Society, and the governor and committees of the two houses of the legislature, and officials of the City of Detroit, were present to honor the memory of Michigan's first governor as a state, and last as a territory.

NOTE. The following is the preamble to the constitution of 1835.

"In Convention, begun at the City of Detroit, on the second Monday of May, in the year one thousand eight hundred and thirty-five.

We the people of the Territory of Michigan, as established by the Act of Congress of the eleventh of January in the year one thousand eight hundred and five, in conformity to the fifth article of the Ordinance providing for the government of the territory of the United States northwest of the River Ohio, believing that the time has arrived when our present political condition ought to cease and the right of self government be asserted, and availing ourselves of the provisions of the aforesaid Ordinance of the Congress of the United States, of the thirteenth day of July, one thousand seven hundred and eighty-seven and the act of Congress passed in accordance therewith, *which entitle us to admission into the Union,* upon a condition which has been fulfilled, do by our delegates in convention assembled, mutually agree to form ourselves into *a free and independent state* by the style and title of "The State of Michigan" and do ordain and establish the following constitution for the government of the same."

CHAPTER XXIV

The Last Years of The Territory

BEFORE recording the story of the last grand struggle for the ancient boundary and for statehood at the same time, we must turn aside for a little to gather up some loose ends of the history that went before.

The population of the territory, by the federal census of 1830 was 31,639. By the territorial census, ordered by the legislative council in 1834, it was found to be 87,273. By the census of 1840 it had leaped to 212,267, a gain in six years of 124,994.

The causes which led to this extraordinary gain were *first,* the opening of the Erie canal and steam navigation on Lake Erie, making it an easy thing to reach Detroit with household effects and stock, as well as with families, without much loss of time or comfort. *Second,* the opening of the territorial roads for which provision had been made by Congress. Before the end of the territorial period these had been cut out and "turnpiked" so as to make fairly good roads, over which ox teams hauled wagons laden with household effects, with the women and children, to the settlements which had been previously located. The roads radiating from Detroit to Fort Gratiot at the foot of Lake Huron; to Saginaw; to the mouth of the Grand, by way of Pontiac, "Sciawasse," Ionia and the Rapids to what is now Grand Haven; to Jacksonburg and Marshall by way of Ann Arbor, and the great Chicago road by Ypsilanti, Saline, Tecumseh, Jonesville, Bronson, Sturges, White Pigeon

and Niles were leading daily caravans of emigrants to all parts of the surveyed portion of the state.

The benefit of these roads in that early day, when almost the entire peninsula was one vast forest, can scarcely be estimated.

Third, a better knowledge of the real resources of the coming state, its great diversity of soil and surface, its numerous streams and waterfalls, was also combining with all other causes to induce a very rapid settlement.

Fourth. The character of the early emigrants from Ohio, New York and western New England, and the high grade of society that they established were a great inducement, especially to those who preferred to get away from slavery and its influences.

A few words should be said in regard to slavery in Michigan. Slavery had always existed under the French regime in Canada or New France, to which Michigan also belonged.

Nor did it cease under British rule, for as late as 1782 the commandant at Detroit, Major Arent Schuyler De Peyster, caused an enumeration to be made of the people and property of Detroit, and in the "survey" are found these two items "Male slaves, 78; female slaves, 101." It appears that Indians as well as negroes were held in slavery in spite of the Ordinance of 1787, which totally prohibited it.*

*There is a tradition that even as late as the coming of Gen. John T. Mason, as secretary of the territory in 1831, he brought some domestic slaves with him from Virginia. It is not improbable that a few domestic servants continued with their old masters down to the time of the adoption of the state constitution.

As late as 1807 Judge Woodward refused to free a negro man and woman on writ of *habeas corpus,* holding in effect that as they had been slaves at the time of the surrender in 1796, there was something in Jay's treaty that forbade their release.

But it is hardly necessary to say that after the Ordinance of 1787 took effect, there was no *legal* slavery in Michigan. With the increase of immigration came the "land fever," which grew and increased with that it fed upon, until by the end of 1835 it had become a veritable mania.

Both Miss Harriet Martineau in her "Society in America," and Mrs. Kirkland in her "Reminiscences" describe the rush and push around the hotels and land offices of Michigan just at the close of the territorial period.

Miss Martineau traveled through Michigan from Detroit to Chicago over "the Chicago road" in June, 1836, and at Detroit she found it almost impossible to secure entertainment at the hotels, on account of the crowd of land speculators. But she pays this tribute to the Detroit society of that day. She says: (p. 232) "The society of Detroit is very choice; and as it has continued so since the old Colonial days, through the territorial days, there is every reason to think that it will become, under its new dignities, a more and more desirable place of residence."

The second day out from Detroit she makes this record which will interest our great University town. "At Ypsilanti I picked up an Ann Arbor newspaper.

It was badly printed but its contents were pretty good, and it could happen nowhere out of America that so *raw a settlement* as that at Ann Arbor, *where there is difficulty in precuring decent accommodation,* should have a newspaper." Miss Martineau describes the roads, until they reached the oak openings and prairies of southwestern Michigan, as well-nigh impassable.

In 1832 came the Black Hawk war in which Michigan took a small part. Black Hawk was a noted chief of the Sacs and Foxes, though by birth a Pottawatamie. He fought on the British side in the War of 1812, being led thereto in part by the oratory of Tecumseh and his brother, the Prophet, and in part by the machinations, promises and rewards of British officials. By the treaty of Prairie du Chien in 1830, his tribe had sold to the United States all their lands east of the Mississippi, and agreed to remove—and most of them did remove—to the west of that river, in what is now Iowa. But in 1831 Black Hawk and his followers returned and attempted to drive the whites, who had purchased their former lands from the government, from the country and to so terrorize them that they would not again return.

It will be remembered that the region now constituting the State of Iowa, as well as Wisconsin, was then a part of Michigan territory.

By the prompt action of the governor of Illinois, the marauders were forced to return across the river to their new home; but early in the spring of 1832 Black Hawk again returned to the east side with a large

BLACK HAWK

band of followers and commenced murdering, and pillaging, to terrorize the country.

A large body of militia was sent from Illinois, and General Atkinson moved up from St. Louis with a small force of regulars. General Winfield Scott was moving with a considerable body of regulars from Fort Monroe and Norfolk, Virginia, by way of the lakes to Chicago, and had reached Detroit on the 5th day of July, when the Asiatic cholera broke out among the troops in violent form, very greatly crippling General Scott in his movements. When news of the Indian outbreak and of the action of the governor of Illinois reached Detroit, Governor Mason, who seemed to thirst for military glory, ordered General John R. Williams to proceed with the first regiment of Michigan militia to the seat of war. The regiment was accordingly called out and embodied, and under the command of Colonel Edward Brooks, set out to march overland to the Mississippi, accompanied by the Detroit City Guards and a company of mounted volunteers. They had proceeded as far as Saline, about 40 miles, when Governor Mason learning that General Scott with the regulars was proceeding by water *via.* Detroit, countermanded his order, and recalled the regiment, though a company of dragoons under Captain Charles Jackson, together with General Williams and staff, proceeded as far as Chicago.*

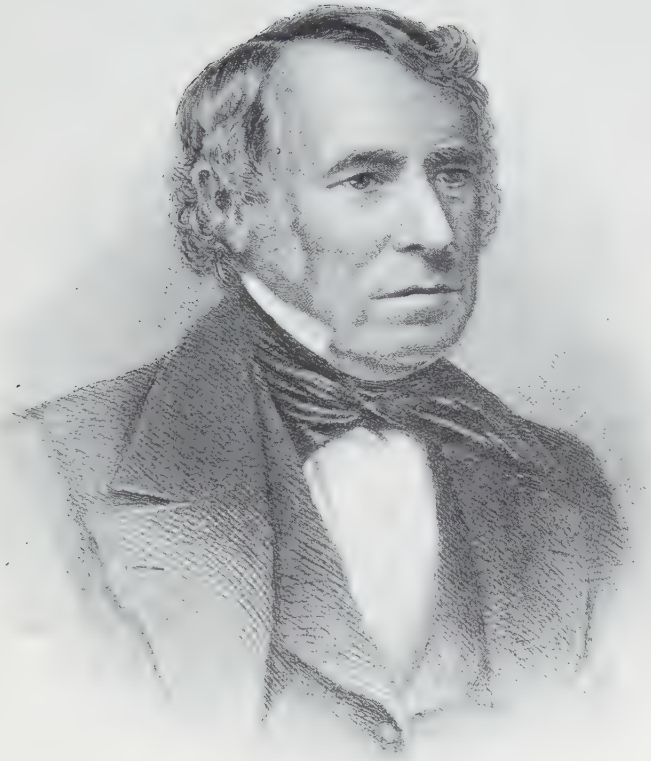
The infantry returned to Detroit and were disbanded. The exposure and hardship of the trip made

*R. C. Roberts "Detroit one hundred years ago" 90.

it anything but a holiday, and much sickness and some deaths resulted, and it proved the last campaign of the Detroit City Guards.

So ended Michigan's active participation in the Black Hawk War. On August 2nd a decisive battle was fought at Bad Ax river in the present county of Vernon, Wisconsin, under the direct command of Colonel Zachary Taylor, resulting in the annihilation of the Indian force, and the capture of Black Hawk and his two sons, who were sent prisoners of war to Fortress Monroe, Virginia, where they were confined for several months in 1832-3. The officer who escorted him and his companions to their place of confinement was Lieutenant Jefferson Davis of the regular army, who just a third of a century later was himself escorted to Fortress Monroe, as the fallen chief of an unsuccessful rebellion against the United States.

The little Black Hawk War is chiefly interesting for the participation of four famous characters. General Winfield Scott was in command of the army. He became the last presidential candidate of the old whig party in 1852, and commanded the forces of the United States in the opening months of the great rebellion. Zachary Taylor commanded in the field at Black Hawk's surrender. After a very honorable participation in the Mexican war, 1846-7, in 1848 he was elected the last president nominated by the whig party. Among the militia present in the field was a company from Central Illinois, commanded by a tall, awkward, raw-boned



Zachary Taylor

young fellow from Sangamon county, as its captain. It was he who a third of a century later crushed the great rebellion,—Abraham Lincoln. Jefferson Davis his great antagonist, became President of the Confederate States. Four such men were enough to dignify and immortalize any campaign.

The next year (1833) Black Hawk was released from prison and accompanied by his sons, conducted through the leading cities of the north, including Detroit, to his new reservation in the present State of Iowa, where he died a few years later.* Black Hawk had been in his youth a splendid warrior, of almost matchless courage and dash. But he was never a great leader. He had not the eloquence or nobility of character of Tecumseh, nor the broad grasp and statesmanship of Brant, nor the generalship of Pontiac. He was born at Kaskaskia, Illinois, in 1767, and was an old man, long past his prime, when he undertook his last campaign.

Black Hawk was not a widely intelligent Indian, and did not, like Tecumseh and Brant, travel much, and did not keep himself informed of the immense change that had come over the west since the close of the war with Great Britain.

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*Black Hawk had not seen Detroit since the war of 1812, and he was greatly amazed at the way the whites had overrun the peninsula, and the vast change which steamboat navigation had made since the time he led his warriors to reinforce General Proctor at Malden. Malden had disappeared, old Fort Shelby was gone, and the Wyandots and Chippewas that once swarmed around Detroit had mostly removed to their reservations or to Canada.

Had he fully realized these things there would have been no "Black Hawk War."*

A calamity that came to Michigan at about the same time, was the outbreak of the Asiatic cholera with fearfully fatal consequences.

In 1820 this scourge appeared in Bombay, India, and during that year spread to adjacent lands and islands. In 1821 it commenced its conquering march around the world, moving with the sun to the west. In the next ten years, it made its way across Asia and Europe, reaching England in the fall of 1831.

On June 8, 1832, the first case appeared in America at Montreal, and on the 5th of July it reached Detroit, coming with General Scott's regulars from Buffalo and the east, on their way to the Black Hawk War.

The fatality among the troops was very great. "It soon spread fearfully among the inhabitants of Detroit, many of whom were panic stricken, and fled to the country, until out of a population of 2,500 not 1,500 remained. * * * On a scorching hot Sunday morning, citizens were summoned by the ringing of an alarm with the bell in the tower of the Presbyterian Church, to an impromptu meeting, held in front of the church, at which committees were appointed to superintend fumigating the city by burning pitch and tar, and the covering of all damp places with lime."†

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*The scene of the final defeat of Black Hawk was on the east bank of the Mississippi river, directly opposite the south line of the state of Minnesota, and was then a part of Michigan Territory, In fact most of the fighting was in Michigan.

†Roberts, Detroit p. 91-2.

It seems this did not prove effective, and as the epidemic became more violent, it was thought the dense black smoke of the burning tar aggravated it. The "germ theory" of disease was not then understood, but they well knew that this dreadful disease was one that spread like the plague. The country around became panic stricken, and Detroit was quarantined. Roads leading into the surrounding country were blockaded, bridges torn up, and guards placed on the highway to intercept persons coming from Detroit, and turn them back.*

But the scourge seemed to be most fatal among the United States troops. Of the detachment which reached Detroit on July 5th, with General Scott, about one-fourth died of the disease before it left Chicago for the return trip. A second detachment of 370 men under Colonel Twiggs, which went up a few days later, was landed near Fort Gratiot, and many died, and a large part of the remainder deserted through terror of the disease.

A third detachment was camped for a time at Detroit and later at Spring Wells and suffered severely though less than the other two.

It was estimated that of all the "regulars" that came

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*In a book published in 1904, as an historical romance, under the title of "The Wolverine," by Mr. A. Lawrence of Lansing, Michigan, is a very graphic, and on the whole, truthful account of the Cholera Epidemic of 1832, in which Father Gabriel Richard plays a very conspicuous part. The plot of the book is mainly located at Detroit and covers the period from 1831 to 1836. The book amply compensates reading as a sidelight on early Michigan history and a vivid picture of the society of the closing territorial period.

up the lakes about one-half were swept off by the cholera scourge.

The militia and volunteers who started to march overland escaped, except such as returned to Detroit in season to meet it there. Among those who perished from the dread disease, as before stated, was the venerable Father Richard, Vicar General of the Catholic Church. He was born in France in 1764, came to Detroit in 1798, printed the first paper in 1809, was elected to Congress in 1820. From the first appearance of the epidemic he was untiring in his ministrations to the sick. At last, after two months of this intense labor and strain on strength and sympathy, he succumbed to the disease and died on the morning of September 12, 1832. His funeral was a wonderful tribute of the people to the memory of a good, devoted and self-sacrificing man. In spite of all fear of the spread of the disease, a great concourse, numbering more than the entire population of the city at that time, assembled to do him reverence. Such a tribute at such a time, shows how much deeper is our love for real manhood and the spirit of self-sacrifice than mere party lines and sectarian creeds.

There was a return of the cholera in 1834, and among its victims, at that time, was the governor of the territory, George B. Porter, who died July 5, 1834. Several other well known and leading citizens of the territory were carried off by the two cholera epidemics during the territorial period.

One other incident of this period should be chronicled

MICHIGAN TER.
LAKE MICHIGAN
INDIANA
ILLINOIS
MISSISSIPPI RIVER
Wisconsin Dells where Bl. Hawk was captured
Ft Winnebago
PORTAGE
Cranberry Horicon Lake
Black Hawk's Camp
Battle Ground of Bad Axe
Wisconsin Heights
Wisconsin River
HELENA
L Monona
Blue Mounds
Mineral Point
Ft Defiance
Diamond Ft
Platteville
Ft Hamilton
Cassville
Parish Port
Ft Atkinson
Kaskaskia
Kellogg's Ck
Hillman's Defeat
Chicago Galena Trail
CHICAGO
DIXON
Dad Joe
Shaubenas Trail
Hall Farm
Newark
Holderman's
OTTAWA
Sauk Trail to Canada
Yellow Banks
ROCK ISLAND
Black Hawk
Ft Armstrong
Coda R.
Black Banks
Des Moines Riv
Ft Madison
Ft Edward
Kellogg's River
Illinois
PEORIA
Ft Clark
Beards Town
SEAT OF
BLACK HAWK WAR
1832.
SPRINGFIELD
LEGEND
1 Indian Trail
2 Kellogg's Coach Trail from Galena to Peoria
3 Atkinson's March
4 Black Hawk's Trail
R. G. Thwaites Del.
PHOTO-ENG. CO. N.Y.

—the "negro riot" of 1833. About the middle of June of that year, one Thomas Blackburn and his wife, who were claimed to be fugitives from slavery in Kentucky, were arrested and ordered to be returned to their southern master. They were sent to jail for safe keeping, until the steamer should leave. The woman made her escape from the jail, and while Blackburn was being escorted to the boat by Sheriff John M. Willson, they were set upon by a mob of colored people. The sheriff fired on the crowd with his pistol, when he was knocked down and his prisoner rescued and conveyed to Canada. Great excitement ensued. The bells rang an alarm, and crowds of men and boys rushed into the streets, armed with guns, pistols and other weapons. The city council convened in special session, and passed an ordinance to keep colored people off the street after dark, and many of them were maltreated by a crowd of whites as disorderly as the blacks had been.

Another occurrence should be noted before passing from the territorial period—the reorganization in the judiciary.

In 1832 occurred the last change in the constitution of the Supreme Court of the Territory. William Woodbridge and Henry Chipman were superseded by George Morrel of New York, and Ross Wilkins of Pennsylvania. It will be remembered that the original judges on the organization of the territory were Augustus B. Woodward, Frederick Bates and John Griffin.

Under that original form of government of "Governor and Judges," the latter were much more legislative

and executive officers than judicial. The "Governor and Judges" were not a happy family; and at the end of the first year Judge Bates resigned and removed to Missouri, having been appointed secretary of Louisiana Territory whose capital was then St. Louis.

Judge Bates was succeeded by James Witherell, who served until succeeded by William Woodbridge in 1828. When Michigan entered the second grade of territorial government, in 1823, the legislative council took the place of the judges in their legislative and executive functions, and the judges were relegated to proper judicial duties. The court was then constituted of James Witherell, Solomon Sibley and John Hunt, Witherell being presiding judge.

On the death of Judge Hunt in 1827, Henry Chipman was appointed to succeed him, and on the expiration of the term of Judge Witherell in 1828, William Woodbridge was made Chief Justice, and the court then stood Woodbridge, Chief Justice, Sibley and Chipman, Associate Justices. At the expiration of four years, the court was once more, and for the last time, reconstructed with George Morrel, Chief Justice, and Solomon Sibley and Ross Wilkins Associate Justices. Chief Justice Morrell continued a member of the State Supreme Court on the adoption of the constitution.

Judge William Woodbridge probably held more *varied* official positions in the territory and state than any other man. He came to the territory as secretary in 1815, and in 1818 was acting governor in the absence of General Cass, and in 1819 was elected first

delegate in Congress from Michigan, but resigned in 1820. He seems not to have resigned as secretary when elected to Congress, for we find him secretary and acting governor during General Cass's long tour to the northwest in 1820, and secretary and acting governor in 1821, 1823, 1825, 1826 and 1827. He was on the Supreme Court 1828 to 1832; a member of the constitutional convention 1835; state senator 1837; governor 1840-41; United States senator 1841 to 1847. He died at Detroit in 1861. The record of the territorial Supreme Court is uneventful, and cannot be more fully entered upon in this brief outline.

CHAPTER XXV

How Michigan Came Into the Union

WE closed our record of the struggle in the United States Senate for Michigan's Statehood with the appointment of the Select Committee of which Senator Benton was chairman, to which "the Michigan matter" was referred December 22, 1835.

It will be quite impossible to follow the vicissitudes of the struggle here in detail, through its parliamentary progress, or to record more than a mere outline of the great debate which accompanied it, as would be most interesting to do. We can only allude to the successive steps.

On the same day that the committee was appointed, Senator Bention renewed his attempt to have Messrs. Norvell and Lyon seated "as Spectators." Senator Ewing (Ohio) promptly came to the front with a motion to strike out the words "on the floor of the senate," which carried in the affirmative.

Senator Tipton (Ind.) took this occasion to make a strong speech against Michigan, on account of the latter claiming in her constitution the 10-mile strip which Congress had given to Indiana in 1816.

A long debate ensued, participated in by Senators Ewing, Hendricks (Ind.) Benton and Buchanan, which resulted in allowing "John Norvell" the same courtesy that is extended "to delegates of territories."

The resolution was adopted by a vote of 22 to 18. So the senate dodged both the "State of Michigan,"

and the official character of Norvell. He was "John Norvell," "a spectator." (22 Debates 282).

This brings us to the year 1836, the last year of the territory. January 26th the memorial of the legislature of Michigan, in regard to her admission into the Union being presented: Senator Hendricks (Ind.) moved it be laid on the table. He said "Michigan ought to proceed in the constitutional manner that other states had done." The question was discussed by Tipton (Ind.), King (Ala.) and Calhoun (S. C.), and on motion of King, it was referred to the Select Committee of which Benton was chairman.

In the House of Representatives, December 24, 1835, John Y. Mason (Va.) moved to take up the message transmitting the *Constitution of Michigan*. On the 25th, the subject was taken up and Mason spoke at length. He thought it should go to the committee on territories. Whittlesey (O.) and Corwin (O.) both spoke at great length, advocating Ohio's claim. Referred to a select committee December 28th, vote reconsidered and message and constitution referred to the Judiciary Committee.

On December 30th the fight broke out on a new part of the field. On motion of Beardsley of N. Y., (afterward Chief Justice) it was "resolved that Isaac E. Crary, who *claims* to have been duly elected a member of this house, be admitted as a spectator within the hall." The rules were suspended and the resolution adopted, 132 to 47. First victory for Michigan but a small one. (23 Debates 2103).

On April 20, 1836, the "act establishing a territorial government of Wisconsin" and detaching it from Michigan became a law, and acting governor—(or would-be acting governor)—Horner, was relieved of his embarrassing position at Detroit, by being appointed secretary of Wisconsin, May 6, 1836. But before this the battle was again raging in the senate.

The select committee, of which Senator Benton was chairman, had reported a *compromise bill.* Benton as the administration leader could not afford to antagonize the three democratic states of Ohio, Indiana and Illinois, all of whose boundaries were in issue, and therefore reported in favor of admitting Michigan with a *proviso.* The first section of the bill established the northern boundary of Ohio (southern boundary of Michigan) according to the Ohio contention, and leaving the Indiana boundary as it had been since 1816. Thus the opposition of both Ohio and Indiana, with their 31 electoral votes, was obviated, provided Michigan accepted the new boundary. As a compensation to Michigan for the loss of the "Toledo strip," she was given a large addition on the north, by including all that part of the Upper Peninsula, between lakes Michigan and Superior as far west as the Montreal and Menominee rivers. Section 2 of the act provided for the admission of Michigan to the Union on an equal footing with the original states *on the condition* that Michigan should by a convention of delegates elected for that express purpose, give her assent to the boundary as established by that bill. On March 29, 1836,

the battle was renewed in the senate. On motion of Senator Benton, the compromise bill was taken up, and Benton spoke in favor thereof. Senators Clayton (Del.) and Hendricks (Ind.) opposed the bill. Tipton (Ind.) spoke in criticism, but finally voted for the bill. Buchanan (Pa.) spoke strongly in favor, and Ewing, as usual, opposed it violently, notwithstanding Ohio had secured all she asked. The debate continued throughout the day. On April 1st, it was renewed with great vigor. Silas Wright (N. Y.) moved as an amendment that Michigan be admitted as soon as the assent of the delegates appointed by Michigan for that purpose, to the boundary line, be obtained. It authorized the president on receiving evidence of the assent, to *proclaim* the admission complete. The purpose of this amendment was to enable Michigan to be admitted before the presidential election, and it was discussed at great length by Senators Hendricks, Clayton, Ewing, Clay and Benton, the latter making an especially powerful and exhaustive speech. (23 Debates 1032 et seq.). Buchanan also spoke again strongly in favor of admission. The opponents of the bill now resorted to dilatory tactics. Motions to adjourn and motions to amend followed each other as fast as they could be disposed of, with persistent debate on every debateable motion. Senators Clay and Crittenden (Ky.) were especially active in efforts to create delay. Clay moved to amend the suffrage clause negative 22 to 14. Calhoun (at 7:30 P. M.) moved that the senate adjourn. Defeated 7 to 24. The bill was then reported as

amended, the amendments concurred in, and the bill ordered to be engrossed and read a third time, by a vote of 23 to 8, after one of the most exciting debates in the history of the senate. Toward the end of this struggle, it became manifest that the ground of opposition to admission was changing. Michigan, if admitted, would come in under the Ordinance of 1787, with a universal and perpetual prohibition of slavery, and it had been customary to offset each new free state with a new slave state. Arkansas was now preparing to apply for admittance and the extreme advocates of slavery were determined to delay the admission of Michigan until Arkansas could come in as an offset.

On April 2nd the compromise bill was again taken up, read a third time, and put upon its passage. Once more the debate raged. Calhoun (S. C.), Porter (La.), Crittenden (Ky), Clay (Ky.), Preston (S. C.), opposing; and Benton (Mo.), Wright (N. Y.), Wright (Miss.), favoring. As a rule the slave state senators opposed, though not openly avowing the real ground of their opposition. Calhoun moved to recommit. Defeated 19 to 24. Preston (S. C.), moved the bill be laid aside; defeated 20 to 24. Preston moved to adjourn, yeas 20, nays 23. The bill was then put on its passage, *and it was passed without division,* the opponents having already exhausted their resources.

So ended this "battle of the giants" in the senate on April 2, 1836. (See 23 Debates 1050). The leaders of the opposition were Ewing (O.), Clay (Ky.), Clayton (Del.), and Calhoun (S. C.). The leaders of the

administration forces were Benton and Buchanan. Michigan had won on admission but lost on the boundary, though with an actual increase of territory and an ultimate gain in resources. But the Upper Peninsula was then almost entirely uninhabited by white men, and its resources unknown; and it was to be twenty years before the canal would be built to connect the lower lakes with Lake Superior.

In the House of Representatives.

Monday, June 13, 1836, Franklin Pierce of N. H., in the chair, the bill to admit Michigan coupled with the bill to admit Arkansas was taken up. John Quincy Adams (Mass.) moved to amend in respect to the boundary, and suported his motion in a speech of three hours duration. He was then 69 years old. Mr. Adams declared "Never in the course of my life have I known a controversy of which all the right was so clear on one side and all the power so overwhelmingly on the other." The bill was then ordered to be read a third time, and was *put on its passage, and passed,* yeas 143, nays 50. The long contest in the senate had served its purpose by delaying Michigan until Arkansas could be brought in at the same time.

Section 3 of the act was as follows:

"And be it further enacted that as a compliance with the fundamental condition of admission contained in the last preceding section of this act, the boundaries of the state of Michigan in that section described, declared

and established, shall receive the assent of a convention of delegates elected by the people of said state for the *sole purpose of giving the assent* herein required; and as soon as the assent herein required shall be given, the President of the United States shall announce the same by proclamation, and thereupon and without further proceedings upon the part of Congress, the admission of the said state into the Union as one of the United States of America, on an equal footing with the original states in all respects whatever, shall be considered complete; and the senators and representatives who have been elected by the said state as its representatives in the Congress of the United States shall be entitled to take their seats in the senate and house without further delay." The compromise act had now passed both houses of Congress, and it received the prompt approval of the President on June 15th. But it was only a *conditional act,* and Michigan was not yet in the Union. Indeed she still had a long and rough road to travel.

The legislature of the state met at Detroit on July 11, 1836, and on the 25th passed the act calling the first "Convention of Assent" to meet at Ann Arbor on September 26th. The convention met accordingly. Twenty-seven counties were represented, but Ottawa, Kent, Ionia and Clinton counties had, unitedly, but one delegate; and Saginaw, Shiawasse and Genesee but one. Wayne had eight and Oakland six. William Draper of Oakland, was elected president. The convention by a decisive vote refused its assent to the pro-

posed conditional admission with the new boundaries. Meanwhile Arkansas, having no condition attached to her admission, had taken her place in the Union, and the people of Michigan were highly and justly indignant at being "held up" and coerced in this high-handed manner. The people of Michigan were heartily and almost unanimously in favor of statehood, but they despised the manner in which the state had been robbed of a big piece of her territory.

But by a shrewd device on the part of the administration it was arranged that her senators and representatives could take their seats only when the assent was given. Numerous federal officials had been appointed and confirmed *conditionally*. It was, therefore, for *their* interest to favor the assent. Then there were numerous worthy patriots who were hoping for various profitable jobs under the United States, as soon as Michigan should become a state.

But what was to be done? The mandate of the legislature had expended itself. The governor declined to call another convention, but he intimated that a convention, *originating with the people,* "in their primary capacity" might be regarded at Washington as sufficient.

On the 29th of October, 1836, the Democrats of Wayne county held a convention and resolved in favor of a second "Convention of Assent." Washtenaw county followed with a similar convention and similar action, and thereupon a democratic conference selected a "Committee of the People," consisting of David C. McKinstry, John O'Donnell, Ross Wilkins, (who had

been nominated for United States District Judge) of Wayne, and Charles W. Whipple and Marshall J. Bacon (who had been secretaries of the constitutional convention of 1835), to call a second convention.

They issued a call for a convention of the people by delegates to meet at Ann Arbor December 14th. In the meanwhile, great efforts were making, through the organs of the administration, and through interested parties to secure assent.

The opponents of the movement regarded it as wholly illegal, and took no part, so that as a rule only those favorable to assent were chosen delegates. The convention met, in accordance with the call, at Ann Arbor, December 14th, and did its work quickly and smoothly and adjourned on the 15th. They professed to regard themselves as convened under the act of the legislature of July 25th. By their opponents they were dubbed, and for many years were known, as "the frost bitten convention."

Of this single-day, popular convention, General John R. Williams of Detroit, was president, and Kintzing Pritchett (Secretary of State) was secretary. Wayne county furnished most of the ability for the convention, including in her delegation General J. R. Williams, president, K. Pritchett, secretary; Ross Wilkins, (expectant District Judge); Daniel Goodwin, (U. S. District Attorney elect) and Marshall J. Bacon, one of the committee that called the convention. The delegates, except ten, (who failed for reasons unknown) signed the resolution of assent and it was forthwith for-

warded to the president. Having thus fulfilled its purpose "with neatness and dispatch" the "Frost Bitten Convention" adjourned to meet no more.

It had been claimed by those apparently authorized to speak for the administration, that unless Michigan were in the Union by the first of January, 1837, she could not participate in the distribution of the treasury surplus, or receive the five per cent. from the sales of the public lands; and this was another "leverage" brought to bear to hurry it up. Then, too, the state government, and particularly the young governor, was getting anxious for recognition by the federal administration. The sword of Damocles hung over the head of Governor Mason until Michigan was safely and snugly in the Union, and a poor excuse for admission was far better than none.

The final session of the Twenty-fourth Congress commenced on December 5th, 1836, and in the record of the proceedings of the senate, December 27th, we find the following:

"A message was received from the President of the United States, through A. Jackson, Jr., his private secretary, on the subject of the admission of Michigan into the Union, with documents stating that Michigan by a convention held at a late day, complied with the regulations of the conditional act of admission." (26 Debates 128).

On motion of Senator Grundy (Tenn.), referred to the Committee on the Judiciary.

In the House of Representatives.

December 27, 1836.

Message of President Jackson read, and on motion of Craig referred to Committee on Judiciary. (26 Debates 1164).

In the Senate.

December 29, 1836.

Grundy (Tenn.) from the Committee on the Judiciary reported a bill for the admission of Michigan. Read twice. Grundy moved that the bill be now read a third time. Ewing (Ohio) objected. Calhoun (S. C.) joined in the objection, and moved postponement. Debated at length by Grundy (Tenn.), Calhoun (S. C.), Morris (O.), Buchanan (Pa.), Ewing (O.) Bill made special order for Monday, January 2, 1837.

Senate, January 2, 1837. Grundy moved to take up the Michigan bill. Carried 22 to 16. The bill was then read a third time. (26 Debates 206).

Morris (Ohio) moved to recommit with instructions to strike out the preamble. Calhoun addressed the senate at great length in opposition to the bill. Debated by Morris, Grundy, Strange and Dana. On motion of Ewing the senate adjourned.

Tuesday, January 3rd, 1837. Question pending on Morris's motion to strike out. Ewing (O.) addressed the senate at length in favor of motion and in opposition to the bill. Further debated by Buchanan, Benton, Preston and Strange. Ewing moved the senate adjourn,

negatived 19 to 19. After a few more words Ewing moved that the senate adjourn. Carried 21 to 17.

IN THE SENATE.

January 4, 1837.

Senate proceeded to the consideration of the Michigan bill. Bayard (Del.) spoke at great length in opposition to the bill. Niles (Conn.) and Fulton (Ark.) favored the bill. Question then taken on Morris' motion to recommit. Negatived, yeas 18, nays 23.

Southard (N. J.) moved to strike out the preamble. Defeated, yeas 16, nays 25. After several more dilatory motions the senate adjourned.

IN THE SENATE.

January 5, 1837.

The bill to admit Michigan read a third time and pending its passage Calhoun once more addressed the senate in opposition.

Buchanan replied. After more debate the question was taken on the passage of the bill, AND IT PASSED, YEAS 23, NAYS 10.

The yeas were *Benton, Brown, Buchanan, Dana, Fulton, Grundy, Hendricks, Hubbard, King* (Ala.), *King* (Ga.), *Linn, Nicholas, Niles, Page, Parker Rives, Robinson, Sevier, Strange, Tallmadge, Tipton, Walker, Wall, White, Wright*—23.

So on *January 5, 1837, the bill admitting Michigan into the Union,* after this long and bitter struggle,

passed the senate. An examination of the roll-call on the final passage will show to what an extent it had become a party measure.

The bill now went to the house of representatives where after brief debate it passed, and on the *26th day of January, 1837, Michigan took her place in the great sisterhood of states* of the American Union, and on the same day John Norvell and Lucius Lyon took their seats as senators, and on the following day Isaac E. Crary was sworn in as a member of the house of representatives for Michigan, and the *Territory of Michigan* was a thing of history only.

CHAPTER XXVI

At the End

WE have now conducted *Michigan Territory* to the threshold of Statehood, and here we must leave her, as she enters the great sisterhood of states as a free and sovereign commonwealth.

We have already seen her a French Colony—a part of New France; then a British dependency, attached to Canada, and then a part of the Province of Quebec; then relinquished to the United States by the treaty of Paris, and claimed by several of the individual states. Next, organized into the territory northwest of the Ohio river, later known as the "Northwest Territory;" then divided between the Northwest Territory and Indiana Territory; and finally, in 1805, organized as *Michigan Territory*. We have seen the crysalis of the state develop in 1835 ready for the emergence of the fully organized commonwealth. Before taking leave of the territorial pariod we should state some account of the conditions and resources of the territory at the date of emergence.

1. Instead of one "beautiful peninsula" it had two, though it must be admitted that at that time the Upper Peninsula was little known and less appreciated. These two peninsulas contained a land area of 56,243 square miles, or 35,995,520 acres.

2. By the census of 1834 the territory was found to have a population of 87,273. Any suspicion there may have been at that time that this territorial census was unduly inflated, was set at rest by the United States

census of 1840, which found 212,267, an increase of 124,994.

If we suppose that one-half of this growth had occurred before January 26, 1837, the population at that time would be 149,769, or in round numbers 150,000. And this population was of the best. At that time the great influx of foreign elements had not begun. The people were very largely from New England and New York, either directly or by way of Ohio. There were almost none from the slave-holding states. The Ordinance of 1787 kept them away. These settlers brought with them the ideals of their old homes—a love of liberty, law and order, attachment to church and school. It can be truthfully said that no western state was settled by a better class of people than Michigan in the territorial period.

3. The means of *communication* had become greatly enlarged and improved. The chain of great lakes and their connecting waters gave ready access to three sides of the peninsula, and numerous rivers penetrated the interior on all sides.

By the building of the territorial roads by the government, and the opening of local roads in all the older counties, it was possible to reach almost all parts of the territory south of the Grand and Saginaw rivers with comparatively little hardship. Moreover, the *railroad* had already made its advent. In 1830 the first railroad was chartered, from Detroit to Pontiac. But that first company did not build the road.

In 1832 the Detroit and St. Joseph Railroad was

chartered which long after became the Michigan Central Railroad. In 1834 the route was surveyed by Lieutenant J. M. Berrien of the army. This road was opened for traffic to Ypsilanti in 1838.*

The Detroit and Pontiac (a new company) was chartered in 1834 and was operated as far as Royal Oak, 12 miles, by horse power.

About the same time a railroad was building from Toledo to Adrain (the Erie and Kalamazoo) which was opened for traffic soon after the admission of the state. So important and helpful had these roads—territorial and others—been found, that when the constitution of 1835 was framed, the general feeling of the people of the state found expression in this provision: "Internal improvements shall be encouraged by the government of this state. And it shall be the duty of the legislature, as soon as may be, to make provision by law for ascertaining the proper objects of improvement in relation to roads, canals and navigable waters." It will be seen hereafter that this policy led the young state into deep waters; but it clearly shows the high estimate in which that before done was held.

4. *Agriculture* already began to assume importance, though as yet only sufficient was produced to supply the wants of the territory, and the difficulty of getting produce to market as yet prevented much increase beyond the home supply. A state census in 1837 showed cereals produced as follows: Wheat 1,114,896 bushels.

*The Detroit station of the Detroit and St. Joseph Railroad Company was at the S. E. corner of Griswold street and Michigan avenue on a part of the block now occupied by the city hall.

Oats 1,116,910 bushels. Corn 791,427 bushels. Buckwheat 64,022 bushels.

The same census showed neat stock (cattle) 89,610 head, horses 14,059 head, sheep 22,684 head, hogs 109,096 head. Nearly all this agricultural development had taken place after the opening of the land office in 1818.

5. *Mineral wealth.* The lower peninsula of Michigan had been at some very remote period the bed of an ancient sea, which had left one of the greatest deposits of salt on the globe. And though this was not known at the time, yet there it was, safely stored for the future, and the cities of Saginaw, Bay City, Manistee, Ludington, St. Clair, and half a dozen other towns and cities, draw their sources of wealth, in great part, from this ancient salt deposit.

6. The surface of both peninsulas was covered with a *forest growth* of both perennial and deciduous trees, unsurpassed in the world. The pine forests of Michigan, for weal or woe, have made more millionaires in this and other states, then the gold mines of California.

7. The upper peninsula, which in 1837 had been forced upon us against our wish, has proved extremely rich in *minerals* and forests "beyond the dreams of avarice." Mountains of iron and millions of tons of copper ore have been removed, and, like the pine forests, mostly have gone to enrich other localities in the east, leaving Michigan the "stump land" and the worked out mines.

8. *The schools* of Michigan at the end of the terri-

torial period were of the elementary kind, mostly of the primary grade, or ungraded. Neighborhood schools were established by the settlers, in log houses built by themselves, and teachers were often paid by subscriptions. There was an academy and a college in Detroit.

The germ of a university was planted in 1817. The plan was embodied in the absurd and pedantic scheme of Judge Woodward. It was to be known as the *Catholepistemiad* of *Michigania*. Its nomenclature made it too absurd to endure; and in 1821 the act was revised, and the university entrusted to a board of 21 trustees. But it remained hardly more than an ideal until 1837, when under the guidance of Rev. John D. Pierce, first superintendent of public instruction, it was placed upon a thoroughly sensible and practical basis, and given a body and soul.

The university was established at Ann Arbor. It was to be governed by a board of regents, including the governor, lieutenant governor, chancellor, judges of the supreme court, ex-officio, and twelve regents appointed by the governor. This continued the organization until the adoption of the constitution of 1850, when all the regents were made elective. But to the end of the territorial period the University remained an ideal only, though it was to become one of the greatest in the world. So also, the graded school, the grammar school, the high school and the rest of Michigan's magnificent educational system were as yet many years in the future.

Their story will be told hereafter in the history of the state.

9. The Roman Catholic *Church* was established in Michigan at a very early day, by the first French settlers and the Jesuit Fathers. There was a St. Ann's Church at Detroit almost as soon as there was a Detroit. The first *permanent Protestant church* in the territory was organized in Detroit in 1818. It was made up of members of several Protestant denominations, who united under the name of the "First Protestant Society." Rev. John Montieth became the first pastor. He was also one of the two original (nominal) "professors" in the (ideal) University of Michigan.*

The Methodists incorporated in 1822, and the Episcopalians in 1824, and from that time forward churches multiplied in all parts of the territory.

10. *The extent of settlement* of the territory at the close of the territorial period can be judged as well, perhaps, from the allotment of delegates to the "Convention of Assent" September 26, 1836, as by any means within our reach.

The following counties were represented by the number of delegates opposite.

Allegan and Barry .....one

*"The Methodists established a society on the Rouge river, about five miles below Detroit, in 1810, and in 1818 erected there the first protestant church in Michigan. The church was built of hewn logs. Its size was 24 by 30 feet. It was occupied by the society for about ten years when it was burned." Roberts "Detroit" 76.

Berrien ..... one
Branch ..... one
Calhoun ..... one
Cass ..... two
Chippewa ..... one
Hillsdale ..... one
Jackson ..... one
Kalamazoo ..... two
Lapeer ..... one
Lenawee ..... four
Macomb ..... three
Monroe ..... four
Oakland ..... six
Ottawa, Kent, Ionia and Clinton ..... one
Saginaw, Genesee and Shiawasse ..... one
St. Clair ..... one
St. Joseph ..... two
Washtenaw and Livingston ..... seven
Wayne ..... eight

There was then but the one county (Chippewa) in the Upper Peninsula, and the country north of the Grand on the west of the peninsula was still "Indian country." But it may safely be assumed that where a delegation was assigned to a county or to several counties, it was supposed to be in proportion to the population.

It is illuminating to notice that Oakland county had six delegates while Genesee, Shiawasee and Saginaw together had but one.

The HISTORY OF MICHIGAN AS A TERRITORY is not a great history, nor is it like the French colonial period, romantic.

But it is the story of a long, stern fight of hardy and freedom-loving pioneers against the traditions and results of an ancient, unprogressive and thriftless past, molded by an alien race, of wholly different ideals; against savage nature which made the interior of the peninsula almost inaccessible; against savage red men, armed and urged on by scarcely less savage white men; against the devastations of war, and the machinations of more powerful neighbors; and out of it all emerging in thirty years from the formation of the territory, a progressive, prosperous, orderly, self-governing commonwealth. These pioneers from 1825 to 1835 were the founders and builders of a magnificent state.

On their foundation, in the seventy years since, has been erected a fabric noble and rich far beyond their dreams. To them the work was hard, toilsome and sometimes bitter and seemingly squalid. The building of foundations is often so.

But it was a good foundation. They labored and we have entered into the fruits of their labors. The motto on the seal of the territory had been verified *"Tandem fit surculus arbor"*—THE SPROUT HAS BECOME A TREE!

APPENDIX

The Definitive Treaty of Peace "Done at Paris the 3rd day of September, 1783," and signed by David Hartley on the part of England, and by John Adams, Benjamin Franklin and John Jay on the part of the United States is so important a landmark in the history of the Northwest, and of Michigan as a part thereof, that an abstract of the most important parts is here given.

After a recital of the characters, titles and powers of the several contracting parties and signatories, it proceeds:

Art. I. Acknowledges the United States (naming the thirteen states, *severally in order*) to be free, sovereign and independent states, and that he (His Britannic Majesty) treats with them as such.

Art. II. * * * It is hereby agreed and declared that the following are and shall be their boundaries, namely: * * * "Along said Highlands which divide those rivers that empty themselves into the St. Lawrence from those that fall into the Atlantic ocean, to the northwesternmost head of Connecticut river, thence down along the middle of said river to the 45th degree of north latitude; from thence, by a line due west on said latitude, until it strikes the river Iroquois or Cataraguy (the Saint Lawrence), thence along the middle of said river into Lake Ontario, thence through the middle of said Lake (Ontario) until it strikes the communication by water between that lake and Lake Erie, thence along the middle of said communication into Lake Erie, through the middle of said lake until it arrives at the water communication between that lake and Lake Huron; thence along the middle of said water communication into Lake Huron; thence through the middle of said lake to the water communication between that lake and Lake Superior; thence through Lake Superior northward of Isles Royale and Philipeaux to the Long Lake, thence through the middle of said Long Lake and the water communication between it and the Lake of the Woods, to the said Lake of the Woods, thence through the said lake to the most northwestern point thereof; and from thence on a due west course to the River Mississippi; thence by a line to be drawn along

the middle of said River Mississippi, until it shall intersect the northernmost part of the 31*st degree of north latitude;* thence by a line to be drawn due east from the determination of the line last mentioned in the latitude 31 degrees, north of the Equator to the middle of the River Apalachicola (or Catahouche), thence along the middle thereof to its junction with Flint river; thence straight to the head of the St. Mary's River; thence down along the middle of St. Mary's river to the Atlantic Ocean.

Art. III. The People of the United States shall continue to enjoy unmolested the right to take fish of every kind on the Grand Bank and all other Banks of Newfoundland.

* * * *

Art. IV. That the creditors on either side shall meet with no *lawful impediments* to the recovery of the full value in sterling money of all *bona fide* debts heretofore contracted.

Art. V. That the Congress shall earnestly recommend to the legislatures of the respective states to provide for the restitution of all estates, rights and properties which have been confiscated, belonging to real British subjects, etc., * * * and "Liberty to freely go to any part of the 13 states, and there remain 12 months," shall meet with no lawful impediments in the prosecution of their just rights.

Art. VI. That there shall be no future confiscations made nor prosecutions commenced against any person or persons for or by reason of the part he or they may have taken in the present war, and that no person shall on that account suffer any future loss or damage, in person, liberty or property.

Art. VII. There shall be a firm and perpetual peace between His Britannic Majesty and said states and between the subjects of the one and the citizens of the other. Wherefore all hostilities both by sea and land shall from henceforth cease. Prisoners to be set at liberty. *And his Brittanic Majesty shall with all convenient speed, and without causing any destruction or carrying away any Negroes or other property of the American inhabitants withdraw all his Armies, garrisons and fleets from the said United States and from every post place and harbour within the same,* to leave all American artillery—and cause all archives, records, deeds and papers belonging to any of said states or their citizens—to be forthwith restored and delivered to the proper states and persons to whom they belong.

Art. VIII. The navigation of the River Mississippi from the source, to the ocean, shall forever remain free to the subjects of Great Britain and the United States.

Art. IX. In case it shall happen that any place or territory belonging to Great Britain or the United States should have been conquered by the army of either from the other, before the arrival of said provisional articles in America, it is agreed that the same shall be restored without difficulty or compensation.

Art. X. The solemn ratification of the present treaty, expedited in good and due form, shall be exchanged between the contract parties in the space of six months and sooner if possible, to be computed from the day of signing of the present treaty.

NOTE. Art. X relative to ratification, as well as the supplementary resolution of Congress, has already been given in the text. The treaty and resolution are taken from a volume entitled "The Definitive Treaty of Peace."

Manning and Loring, Boston 1797.

The Origin of the Ordinance of 1787.

As stated in the text, around few questions of American history has there been longer or more earnest controversy than in regard to the authorship of the ordinance of 1787. Our conviction is stated in the text, that it was the work of no one man or committee or Congress. It was an evolution, a composite, a mosaic—or to use the homely expression of Nathan Dane in his letter to Rufus King, a *"patchwork"*—but this in no derogatory sense.

We think Mr. Merriam has abundantly demonstrated this in his admirable monograph on the subject.

Mr. William F. Poole, then Librarian of the Newberry Library, Chicago, in his address before the American Historical Association, at Washington, December 26, 1888, makes this unqualified statement in regard to the history of the ordinance. He says: "The main facts concerning it are now *well established;* that it was drafted as a part of the scheme devised by the Ohio Company of Associates, formed in Massachusetts, for buying and settling a large tract of land in Ohio, on the Muskingum river, and that it was enacted by the unanimous vote of Congress *in furtherance of that scheme.* As Dr. Manasseh Cutler was the director of that Company who with an ability and sagacity unsurpassed conducted this business before Congress and made the land purchase, the main credit of the enactment of the ordinance and of its beneficent results, have been generally awarded to him."

Dr. Poole was the original discoverer of the Manasseh Cutler myth in regard to the ordinance. He not only admits but even boasts of the parentage, in his reply to Henry A. Chaney, in the *Inlander.* He says: "The fact is that I am the culprit and original perverter of history, if such an atrocious act has been committed." (Ordinance of 1787, p. 1 Ann Arbor, 1892). And then proceeds to give the history of the discovery or invention as follows: "On the evening of September 11, 1872, I was at the house of Hon. William P. Cutler, at Marietta, Ohio, who was the grandson of Dr. Manasseh Cutler. The conversation turned upon historical matters, and a large mass of manuscripts were brought out for my inspection. One of these was a copy of Dr. Cutler's diary, which he kept during his visit to New York and Philadelphia in the summer of 1787.

I had never seen the manuscript before, but had heard of it, and read the extracts from it printed in Spark's 'Life of Dr. Franklin', etc. As I turned over the leaves, I remarked that this diary would evidently throw light on the origin of the ordinance of 1787, and

if I could be allowed to take it with me to Cincinnati, I would examine it and report what I found. My proposal was readily acceded to; and taking it with me, I made a careful examination of it as soon as I had leisure. I found what I expected. * * * I prepared a paper on the subject which I read before the Cincinnati Literary Club December 21, 1872, which was printed entire in the Cincinnati Commercial, December 23, 1872," etc. Poole, Ord. 1787, p. 14.

On what basis does Dr. Poole's statement that it is now a "well established" fact "that it (the Ordinance) *was drafted as a part of the scheme devised by the Ohio Company of Associates* formed in Massachusetts for buying and settling a large tract of land in Ohio" rest?

The articles of association of the Ohio Company will be found in full in the life of Manasseh Cutler Vol. I, page 181, and they will be scanned in vain for anything that even remotely suggests the Ordinance of 1787.

The correspondence of Dr. Cutler, General Rufus Putnam and General S. H. Parsons (the three directors of the Ohio Company) will be searched equally in vain for any germ or tender shoot of the great ordinance. Where then is the evidence that Dr. Cutler had any part in framing the ordinance?

Dr. Poole says: (Ord. '87 p. 12) "Dr. Cutler certainly did not draft it while he was in New York; for his diary shows that his time was otherwise fully occupied. He had an interview with General Rufus Putnam in Boston just before he left for New York, and another with General Parsons, a few days later, at Middletown, Conn. He *might have brought* the outline of a draft of his own which he submitted to them (Putnam and Parsons) or *one* of *theirs.* They were associate directors of the Ohio Company, the persons most interested in the terms of the Ordinance. * * *

"No evidence, however, has come to my knowledge to sustain this supposition. The riddle may yet be explained." p. 12.

Fortunately we have an account in Dr. Cutler's diary of the "interviews" with both General Putnam and General Parsons.

"Monday, June 25, (1787) conversed with General Putnam. Received letters. Settled the principles *on which I am to contract with Congress for lands,* on account of the Ohio Company." That is all, and it requires a keen sighted eye to perceive any vision of the Great Ordinance therein. It is all about a contract for land, and not the government of an Empire. But he had an interview with General Parsons. Yes, at Middletown, Connecticut, on Monday, July 2nd, and here is the record from the diary:

"It was 9 o'clock this morning before General Parsons and I had settled all our matters with reference to *my business* with Congress." He favored me with a large number of letters to members of Congress and other gentlemen." That is *all.* No government of the great Northwest Territory there.

But Dr. Poole says in his reply to Mr. Chaney: "I have never made the statement, for I have no evidence to sustain it, that Dr. Cutler was the author of the ordinance." (p. 4) and again as above quoted (p. 12) referring to the supposition that Dr. Cutler *"might have"* brought the draft with him. He says "No evidence, however, has come to my knowledge to sustain this supposition." But he says: "The riddle may yet be explained." Anyone who will follow Mr. Merriam's monograph carefully will find the explanation of the riddle.

There was no quorum present in Congress from May 10 to July 5th, of which fact General Putnam and Dr. Cutler were well aware, for on May 30th in a *joint* letter to Major Winthrop Sargent then in New York, they beg him to "give the earliest information when Congress is *sufficiently represented"* for their purpose.

July 5 (in the evening) Dr. Cutler arrived in New York. *July* 6 delivered most of his letters to members of Congress. Prepared papers for making application to Congress *"for making purchase of lands* in the Western Country, for the Ohio Company."* Was introduced to a number of members on the floor of Congress chamber by Colonel Carrington of Virginia. (Carrington was then a member of the Committee on the survey and sale of lands.) "Delivered my petition *for purchasing lands* for the Ohio Company and proposed *terms and conditions of purchase."* A committee was appointed to agree on terms of negotiation."† Dined with Mr. Dane.

Sunday, July 8th. Dr. Cutler dined at Sir John Temple's (English Consul) *with Mr. Dane.* "Supped with Mr. Hazzard." (Hon. Ebenezer, P. M. General).

Monday, July 9. "Waited this morning very early on Mr. Hutchins (Geographer). He gave me the fullest information of the western country."

Attended the committee before Congress opened, and then spent the remainder of the forenoon with Mr. Hutchins. (This must have been the committee on survey and sale, to which his petition had been referred.) Dined at Dr. Rogers in company with Dr. Witherspoon. After dinner attended the Committee at Congress chamber.

*1 Cutler 230.
†1 Cutler 230.

Debated on *terms,* but were *so wide apart* that there appears *little prospect of closing a contract."* (So this hearing was in regard to terms of a contract for purchasing lands.)

July 10. "This morning *another* conference with *the* Committee." (So this was the same committee on survey and sale.)

"Dined with Colonel Duer in company with Mr. Osgood." (Mr. Osgood was a member of the Treasury Board, through whom the purchase must be made, and Colonel Duer was the Secretary of that Board, and at the same time organizer and promoter of the Scioto Company, for which Dr. Cutler effected the purchase of several millions of acres of land *through that same Treasury Board.*)

It will be observed that thus far there has been not the slightest mention of any form of government for the Western country. It all relates to terms for *a contract* of purchase of lands.

But the next entry is the one relied on to raise the presumption that Dr. Cutler had considerable to do with the formation of the ordinance. It is as follows: "As Congress was now engaged in settling the form of government for the Federal Territory for which a bill had been prepared and a copy sent me, with leave to make remarks and make amendments, and which I had taken the liberty to remark upon, and to propose several amendments, *I thought this the most favorable opportunity to go on to Philadelphia.* Accordingly after I had returned the bill *with my observations, I set out at seven o'clock,* and crossed North River, to Paulus Hook." And that was the last of Dr. Cutler in New York until the 17th, and the ordinance became law on the 13th. Is it not surprising that at this critical moment, when "Congress is engaged in settling the form of government for the federal territory," he should have chosen to be absent for an entire week?

In order to correctly interpret this entry we must bear in mind that the ordinance (Johnson's) had been on the table *since May* 10, *because there was no quorum.* That the "committee to agree on terms of negotiation" was appointed at the Friday session (6th). That on Monday 9th, the ordinance was taken from the table, and *referred to the new committee,* consisting of Carrington, Dane, Lee, Keane and Smith: As this committee *had not yet reported* when Dr. Cutler left New York for Philadelphia, the copy of bill which was sent him *must have been the "Johnson Ordinance,"* which was taken from the table on the 9th. There could have been no other for the committee did not report until the 11th, when Dr. Cutler was well on his way to Philadelphia, unless, indeed, it refers to the Ordinance for sale of land to the Ohio Company. He undoubtedly

noted his "observations" on the printed bill, in the midst of that very busy day, and returned it in the course of the afternoon, in time to cross North River at 7 o'clock.

If only that copy of the bill could be found with Cutler's notes thereon, we would know just how much he had to do with passing the ordinance of 1787. It must be remembered that *Dr. Cutler* never claimed to be the author of any particular article, paragraph or clause of the Ordinance, at least we have found no such claim in his diary or letters. Some of his descendents allege that late in life he claimed the authorship of the anti-slavery Compact, Art. 6. But we *know* the genealogy of that, beyond a peradventure. But there is a key to the "riddle." He was in New York to purchase lands for the Ohio Company and for a "private speculation," to use his own words, these lands afterward *to be sold* for the Ohio Company or for "private speculation."

The "Johnson Ordinance" was referred to the Committee on the 9th. When so referred it had no property qualification except in the case of representatives, who are required to be freeholders to the extent of 200 acres of land and electors. When it was reported out by the committee on the 11th, it provided that the Governor should be a freeholder to the amount of 1000 acres, the Secretary and Judges each to the amount of 500 acres, and every elector a freeholder to the amount of 50 acres of land. As none of the previous ordinances or proposed amendments had any such qualification except as above stated, it looks probable that these were some of the "observations" noted on the bill by Dr. Cutler.

Dr. Cutler again reached New York on the evening of the 17th. On the 19th he makes this entry: "Called on members of Congress very early this morning. Was furnished with the Ordinance establishing the government in the Federal Territory. It is in a degree *new modeled.* The amendments I proposed have all been made except one, and that is better qualified." *"It was that we should not be subject to continental taxation until we were entitled to a full representation in Congress."* We see again how the mind of Dr. Cutler was running on the *financial* interest of the Ohio Company. As the Ordinance *was now law,* and was not again changed, of course Dr. Cutler's influence in its formation was at an end.

It will be noted that Dr. Cutler says in his diary that the ordinance was "qualified" by providing "that *we* (the Ohio Company) shall not be subject to continental taxation until *we* (the Company or the Ohio settlement) were entitled to full representation in Congress." As no such provision will be found in the "ordinance for

the government of the Territory Northwest of the Ohio river," it at once raises the question to what does this refer. It cannot refer to the "Ordinance of 1787."

The writer is informed by Mr. Merriam, who was for years secretary to the late Senator Hoar, that the study of that distinguished statesman brought him to the conclusion that this whole entry refers to the sale ordinance, and not to the government ordinance. That seems the most reasonable in fact the only way in which to explain this cryptic entry.

But there are two additional extracts from this remarkable diary which ought to be recorded.

"*July 27*, (1787). By this ordinance we obtained the grant of nigh 5,000,000 acres of land, amounting to three millions and a half dollars. One million and a half acres for the Ohio Company, and the remainder *for a private speculation,* in which many of the *principal characters of America* are concerned." Cutler diary, page 305.

The account given in his diary of the means and methods by which it was accomplished is both instructive and amusing. The whole Continental Congress was no match in diplomacy for this Yankee preacher. He shows a *finesse* worthy of a Tallyrand. He first made a firm ally of Col. Duer, a member of the Treasury Board, and then there seems no doubt that he took into camp Mr. Osgood, another member of the Board, and the manner in which he succeeded in interesting "some of the leading characters in America" in his "private speculation" to the extent of 3,500,000 acres shows that he was willing to "live and let live." This "private speculation" seems to have cut pretty closely around not only the "Treasury Board" but the constitutional convention then in session in Philadelphia, as well.

His hurried trip to Philadelphia where the convention was sitting is nowhere explained, but it is pretty evident that he did not go "for his health" nor for the express purpose of visiting the University or the hospital, or Mr. Peal's remarkable collection of wax works, pictures and stuffed birds and animals. But it seems pretty certain that he bagged some "big game," as among the names on Colonel Duer's list of "speculators" or "adventurers" appear those of some of "the leading characters" of that convention, including Alexander Hamilton and others almost as well known.

When he got back to New York he "made things happen lively." There were no telephones in those days; if there had been, the wires would have been kept hot.

The manner in which General St. Clair, President of Congress,

was made a firm ally was another stroke of genius. The Ohio Company had planned that General Samuel H. Parsons, one of their Directors should be first Governor of the Northwest Territory, but when it had been agreed that General St. Clair should receive that post, "the business progressed more favorably."

In conclusion, we *know* what "Jefferson's Ordinance" of 1784 contained. We *know* what Monroe attempted.

We *know* what King's amendment was as reported by his committee.

We *know* what was embraced in "Johnson's Ordinance" or report, referred to the Committee, July 9, 1787, and we *know* that from all these can be culled almost every permanent provision of the ordinance except Art. III, relating to "Religion, Morality and Knowledge," and good faith to be observed with the Indians, and that part of Art. II relating to the inviolability of private contracts. These provisions were in the handwriting of Mr. Nathan Dane when reported to Congress, and he always claimed that they were inserted on his motion. No one else, that we are aware of, has ever explicitly claimed their authorship. Certainly Dr. Manasseh Cutler never did. The "Crowning Glory" of the ordinance,—Article VI of the "Compact," absolutely prohibiting slavery in the Territory, was first suggested by Colonel Timothy Pickering in the petition of the 288 revolutionary officers and soldiers, for a grant of land in the Ohio country; was incorporated by Jefferson in his ordinance as reported; re-offered by Rufus King at the instance of Pickering; and finally offered by Dane, almost in the very words of King's amendment, as reported back from the committee with the fugitive slave proviso, but limited to the country *north* of the Ohio, and enacted by the vote of five southern and three northern states.

One more extract from the Cutler diary will close this too long note.

"*Saturday, Oct. 27th,* (1787). This day completed our *contract* with the Board of Treasury for near *six millions* of acres of land, and Major Sargent and myself signed the indented agreement on parchment *in two distinct contracts,* one for the Ohio Company and one for the Scioto Company, the greatest private contract ever made in America. Dined with General Knox. * * * Supped and *adjusted our Scioto matters.*"

Here is disclosed the propelling power that carried the ordinance through, not the *"great ordinance"* but the ordinance for the sale of land to the Ohio Company.

But so far from finding as an "established fact" that Manasseh

Cutler either drafted the ordinance for the government of the Northwest Territory himself, or brought with him such a draft made by another, we have been able to find no evidence whatever that he did either. The ordinance was the gradual growth of ten years thought and experiment of many of the "principal characters of America," but not the same "principal characters" who were interested in the ill reputed "Scioto purchase." As a legal proposition we do not hesitate to aver that there is not a scintilla of competent, legal evidence, that Manasseh Cutler was the author of the "Ordinance of 1787," or any material part thereof.

The Moravians in Michigan.

In the history of the West there are few, if any, more sad and pathetic stories than that of the Moravian Mission Indians of the Tuscarawas Country of Ohio. It is probably known to only comparatively few of the people of Michigan at this day, we believe, that for upward of three years (1782-1786), these Christian Indians resided near the site of the present city of Mount Clemens, on the Huron (now called the Clinton) river. The following documents—from the original manuscripts in the possession of C. M. Burton of Detroit—a petition from the Missionaries and assistants, to Major William Aucrum, British Commander at Detroit, dated February 26, 1786, and a letter from John Heckerwelder to John Askin, dated the following day—tell in simple language of their coming, settlement and removal. But back of that lies the saddest of the story.

The Moravians had come from the Lehigh and the Susquehanna in 1770, and settled on the Big Beaver in Pennsylvania, the first converts being from the Mohicans of New York.

In 1772 they were invited by the Delawares of the Tuscarawas in Ohio to remove to their country which they did; and for a time enjoyed a peaceful and prosperous life. In the valley of the Tuscarawas (Muskingum) they built three villages, Schoenbrun (beautiful spring) Gnadenhutten (Tents of Grace) and Lichtenau. In each was the Christian church, the school house and the daily religious service. They built good houses, they cultivated large fields of corn, and raised much stock. They were peaceful, industrious and happy. Their troubles began with Lord Dunmore's war in 1774, when the war spirit rose around them. During the American Revolution they found themselves between two fires—the British at Detroit and the Americans at Pittsburg; and their settlements were almost on the line of the great war-path from Detroit and the Rapids of the Miami of the Lake to the Ohio valley. By attending strictly to their own business and practicing Christian hospitality to both sides, they succeeded in passing safely through the first five years of the American Revolution. But in 1781 Captain Pipe, the leader of the war party among the Delawares, lodged a complaint against the Missionaries with Major Arendt Schuyler DePeyster, commandant at Detroit, that the Moravians were in secret sympathy with the Americans, and were giving valuable information to the American commander at Pittsburg.

It was on this charge that Heckerwelder, Zeisberger and their assistants were summoned to Detroit in November, 1781, when the

"trial" occurred, to which reference is made in the petition. Captain Pipe failed to sustain his charge, and the Missionaries and their assistants returned to the Sandusky, to which they had been compelled to remove in the previous September.

"The intense sufferings of the poor people from exposure and starvation during the winter induced a hundred or more under Glickhican and five other assistants to return in February, 1782, to their villages (on the Muskingum) to save the corn left standing in their fields. On the 7th of March they had just finished, and were about to return, when a merciless crew of ninety men from the Ohio, one of whom, named David Williamson, passed for "Colonel" came upon them, and having, under pretense of escorting them to Pittsburg secured their guns, hatchets and even pocket knives, shut them up in two houses where they then slaughtered all of them like sheep, men and women, ninety-six in number. This "Colonel" left it to a vote whether he should keep his word, or murder the deluded prisoners, and only 18 of the 90 were honest enough to oppose this basest of massacres."* It is believed that the "Mountain Meadow Massacre" in Utah, is the only parallel for this dastardly and inhuman slaughter, to be found in American history.

In the "land ordinance" of 1785, Congress attempted to make some reparation to this harried and persecuted people by a grant of land including their old settlements on the Tuscarawas.

As soon as the ice in Lake St. Clair and Detroit river permitted in the spring of 1786 the Colony on the Huron (Mount Clemens) set sail in two small schooners for the mouth of the Cuyahoga river, which, after the wreck of one of their vessels, they reached. But the missions could never again be gathered in their old "Tents of Peace," nor by their "Beautiful Spring." The British government having offered them a large reservation on the River Thames, in Upper Canada, a part of them removed to that place, where they built a new Gnadenhutten which had grown to a hundred houses when the Battle of the Thames was fought there, October 5, 1813, and the next day the town was looted and burned by the Kentucky troops, upon a report or suspicion that some of their kith and kin had been concerned in the massacre at River Raisin in the previous January. Heckerwelder and Zeisberger both returned to their former home in Ohio, where they spent the remnant of their days,

*King's Ohio 157.

to a good old age. But the day of the success and the glory of the Moravian mission was gone forever.*

The following documents have never before been published. For the copies we are indebted to C. M. Burton, President of the Michigan Historical Society.

Askins Papers, Vol. I, p. 147.

The following is printed *verbatim.*

Addressed to
William Ancrum, Major
Commandant ect:
at
Detroit.

River Huron, February 26th, 1786.

Sir,

It may not be unknown to You, that we the Missionaries, now Living on the River Huron were towards the End of the last War taken and carried with the Christian Indians belonging to Us to Sandusky. We were from thence called into Detroit, where in a Councill, the Warriors present, our cause was tried, and We honourably acquitted, after which Major, now Col'o DePeyster furnished us with Necessary's and a Pass to return and Live with our Indians in Peace, but finding soon after that our Life was in Danger, he in the Spring following, sent for Us to come into Detroit. We lived formerly on the River Muskingum, where we had for Years together enjoyed Peace on all sides. We had Three large Villiages and thro' Industry our Indians were so far advanced, that they hardly knew or remembered of anything they wanted. Large and compleat dwelling Houses, with furniture; a great Number of horses; upwards of 200 Cattle; besided some hundreds of Hoggs, with the Corn on the Ground ripe for Harvest, amounting at a moderate Computation to 5000 Bushel, were either Destroyed there, or afterwards lost. A few Days after our arrival at Detroit, Col. DePeyster consulted our welfare, and wished with Us, to see Us settled with out Indians again, that they might further be Instructed in the Gospel way. He first proposed to Us, to return over the Lake to where our Indians was, and promised every assistance in his Power, but we being too sensible that the same People who were the cause of our Destruction were still residing among the Indians,

*For an excellent brief history of the Moravian Indian mission see Rufus King, Ohio, in the American Commonwealth Series.

and of whom we had good reason to believe, wished rather the Indians might remain as they was, than to be converted or civilized, would always be ready to do Us any Mischieff which lay in their power. The Col'o believing the Apprehention we were under not to be groundless, proposed next: That We and our Indians should settle down the River, either on an Island, or any other place, which might suit Us best, but as objections were made, the Island being to heavy Timbered, and the War path passing by the other places, he at length consulted the Chibbaway Chieffs, and it was agreed upon between them, that We might Live on their Land on this River untill Peace should be made, then to return again whenever We chose. He then sent Speeches to our Indians, at and about the Shawnee Towns to invite them in and after the arrival of the first, informed them of the whole matter. He then accordingly went with those Indians in search of a place, and pitched upon the spot We now live on, which was an entire Wilderness. We began to Work on our Improvement the 26th July, 1782, and have continued so untill the present Day, in which time we with our Indians, have built a small Villiage consisting of 27 log Houses, besides some Stables, out Cellars, and smaller Buildings. We have cleared Lands in different places about the Village, made fences, ect: so that it appears to Us to be a Valuable Improvement at which, if it suited our Destination, we could now live contentedly and more at ease. But we, being sent by the Bishops of our Church to reside near the Dellaware Nation, to continue to Instruct them in the Gospel, as We had done this Thirty Years past, finding this not to be the proper place, that Nation being so far distant, and they not inclined to change a good hunting ground for a worse, neither, that the one half of the Indians belonging to Us have yet on this present Day joined Us on this very account. And moreover, We having found that the Chibbaways more and more Uneasy that we stay here so long on their Land after the Peace. And that our Indians, whoom they call expert Hunters, destroy all their Game. We therefore, have at length resolved to go to our former place, and for that purpose acquaint You of it. But at the same time We beg leave to ask a favour of You, which is: to sell our Improvement. We do not speak of selling the Land. The Chibbaways have frequently told Us that it belonged to them, and to no body else. We only mention the Improvement, in which a vast of Labour is sunk. We understand, that a number of French intend to take possession of our Houses and Labour, without giving us the least Satisfaction, but We believe it to be far from the approbation of a Comanding Offi-

cer to see Us served in such a manner. We rather believe that You will direct matters so that Justice may be done Us in that respect. And we are persuaded, could You but take a view of this our Improvement, You would readily acknowledge, that we justly deserve something for it. We therefore most humbly present this Petition to You, confident of receiving from You a favourable Answer.

We beg yet to mention that Necessity presses us greatly to such a request, for it is hard to begin again with empty hand.

Written and Signed by
Sir
Your most Obed't
and Humb'e Servants
Dav. Zeisberger
John Heckerwelder
William Edwards
and in behalf of | George Youngman
| Gottlob Senseman
| Michael Young absent

and in the Name of the Christian Indians with Us

Recorded in the Land Office at Detroit in Liber E. folio 12 etc.

By me
Geo. Hoffman, Register.

Askins Papers
Vol. I, p. 149.

Addressed to
Mr. John Askin
Mercht at
Detroit.

River Huron, Feb'ry 27th, 1786.

Dear Sir,

I would fain have mentioned to You sooner, that I had received the 30 lb. Coffee by Mr. Dolson, but had no propper Opportunity. Now I am to ask Liberty, of You in proposing a way, which we think perhaps easiest and best concerning our Improvement, but it is rather to ask Your advice in the matter. We are told, that there are both French and English People watching for Us to leave the place, who immediately intend to go in Our Houses and make themselves masters of our Labour, without the smalest reward. We therefore, considering our circumstances, (and that We have but a short time to stay, if we, as we intend to, set off as soon as the

Lake is clear of Ice) know of no better method, than to lay the matter before the Major of Detroit cit. of whoom we are fully persuaded to believe, that he will act impartial, and do Us justice. We therefore being acquainted with You, to lay the case before him, and inform him; that we have lived here three Years and an half, that, when we settled first here, we found ourselves in a Wilderness, but by the Industry of about Sixty dilligent hands, have built a small Village, consisting of 24 log houses, besides Stables and other small Buildings. That we have cleared Lands, made fences, Gardens, etc. that We therefore cannot think otherwise, than that We ought to have Liberty to sell our Labour (We do not mean to sell the Lands) but the Labour done on them) and that we therefore beg of the Major to permit Us to do so, as we shall want what little we shall get, to help Us where We shall settle again. Perhaps the next thing then would be, to put up an advertisement that People might see, that not only the Improvement is for sale, but that likewise it is by permission of the Comandant, which would be a great encouragement to the buyer. Mr. Dolson who is here at present, and the bearer of this Letter, has a notion of buying it, but he says also, he could not do it without the Majors permission. I am convinced You will Sir, act in our behalf as much as lies in Your power, and if You have any proposals to make to Us, concerning the matter, such shall be readily accepted, in the meantime I am

Dear Sir

Your most Obedient
Humble Serv't
John Heckerwelder.

P. S. If You have an answer to send to me, Mr. Dolson thinks he will have an Opportunity of forwarding it to me in the corse of a few Days, and as I know of no Indian going to Detroit for the present, You will greatly oblige me in sending the Letter to him.

J. H.

Letter of John Askin, Jr., in regard to the making of the Treaty of Greenville.

The following very interesting letter or Report of John Askin Jr., to Colonel Richard England, then British Commandant at Detroit, has never before been published, and throws a strong contemporaneous side-light on the situation of affairs at Detroit at that day.

It also is an interesting revelation of the character of Major General Anthony Wayne.

It is easy to read between the lines that Askin was at Greenville to *prevent* the signing of a treaty. General Wayne perceived this, and sent him to Fort Jefferson until the treaty was signed. The letter is from the manuscript collection of C. M. Burton of Detroit, President of the Michigan Pioneer and Historical Society.

The deeds spoken of by Askin as taken away from him and not returned, were probably deeds which he had obtained from certain Indian chiefs, of large tracts of land in Ohio, and which, under the legislation of Congress and treaties, were regarded as illegal, and contrary to public policy.

Askin Papers
Vol. 3 pp. 36 & 37.

Jn'o Askin Junr: to Colo England a
report of his Voyage to Fort Greenville.

Detroit August 19th, 1795.

Being induced both from duty and inclination, I take the liberty of giving you an account of my Voyage to Fort Greenville, with what came to my knowledge while I resided there; it will I fear be rather long, but lest the parts I might leave out would be those you wished to be acquainted with, I have thought it advisable to insert in it every thing that appeared to me any way material.

It is as follows:

Several Indian Chiefs of the Chippewa and Ottawa Nation with whom I was well acquainted urged me much to accompany them to the Council at Greenville, assigning for their reasons, that as the business They were going on was of great importance to them they stood in need of a faithfull Interpreter and friend.

After obtaining my Father's concurrence, I left this on the 2d July, and when I reached Fort Defiance it was the 11th by this time the Indians with me were Twenty Seven in number also a Mr. Beaubien and a Mr. Bouffet who had joined the Indians on the route.

I had a cool reception from Major Hunt who commands there but of this I was aware before my departure, Mr. McDougal having taken the lead who declared he would make known to the Americans my conduct during the Troubles—from this first Fort I was inclined to return, but Major Hunt finding if I did that the Indians would follow me, insisted on my proceeding.

Blue Jacket an Indian Chief who had been sent to bring forward Indians to Council, joined us here and proceeded with us, this night being the 14th, Mr. McDougal overtook us; it was the 19th before we reached Fort Adams the 20th we got to Fort Recovery and the 21st to Fort Greenville, Soon after our arrival a Major of Dragoons, said General Wayne wished to see us, we proceeded to the Council House which is situated in the Fort, here General Wayne received us and shook hands with all the Indians. Omissas, a Chippawa Chief, who had been chosen to Speak for the Ottawas, Pattawattomies, & his nation, asked me for a few Strings of Wampum he had given me in charge & with them made the following Speech. Brothers:

We the Chippewas looking over our bundles found your Strings of Wampum that had been given us at Muskingum and thought it time to come and see you at the great Council Fire.

General Wayne in return said:

I am extremely happy to see you and more so to hear that you brought the Strings of Wampum gave you at Muskingum. You, Omissas, spoke like an honest, sensible, and good hearted man, and I take you again by the hand for your honesty.

Omissas to General Wayne:

Brothers: Should any one say that they advised us to come to this Council or say they brought us to this place, its false, we came of our own free will and have brought this English man (meaning me) with us to report to us what you say in Council and that we may be instructed with every thing that will be said to us and not be so ignorant of this Council as we were of that of Muskingum.

Blue Jackets Speech to General Wayne:

Brothers: I am extremely sorry that I have not been able to accomplish what I wished to have done owing to the number of bad birds who were continually whispering in my Chawanees Chiefs ears, and have prevented them from coming sooner, however I have a bit of tobacco from them and they sent me word they would come immediately, but I cannot assure you they will.

General Wayne's answer:

Brothers: I am sensible of the great Zeal and wish you have to serve the States and that you have done all in your power for them. I am well persauded that you met great numbers of bad Birds who did all in they could to prevent what you went about.

July 22—No Council.

July 23—As I was going to the Council I was told by Mons'r Beaubien not to go, that Centinel would Stop me, General's aid de Camp told him so, when I stopt the Indians stop't allso & said they would not go but on my telling them it was all the same they could report to me at night what had passed they proceeded.

July 24—The Indians gave in their answer this day with a white belt of Wampum as follows:

Brothers: We know nothing of the Six Thousand Dollars said to have been given the Indians at Muskingum, but as for the Wiandotts They perhaps know of these Dollars. They were accustomed to hord up all they got on these occasions & never let others know of it. The Wiandotts were displeased & begged leave to give their answer next day.

July 25—This day General Wayne Explained that the Six Thousand Dollars were given in Goods. Then the Chippawas were satisfied with the Wiandotts and said it was true they had received presents, but thought they were given them for having buried the Hatchet and not for Lands.

July 26—The Miamis spoke and said their Grand Father had given them these Lands and they were told not to sell them nor give them away and of Course the Tribes who had given them at Muskingum had no right to them, and several other words to the same purpose.

July 27—The Indians were allowed to Speak among themselves

July 28—I wrote to General Wayne for a pass to return home and received for Answer to call next day.

July 29—Waited on General Wayne, he delivered me a letter from Mrs. Askin which he had opened & Shewed me another asking if I knew the hand writing. I said I did it was my Fathers, he then proceeded to read its contents to me, and after he had done reading, he said he looked upon me as a Spy & that I deserved death. I told him that I knew of no Spies in time of Peace, he said it was true, but he still had the power of sending me to a Fort in the Woods, and immediately ordered a party of Light Horse to take me to Fort Jefferson he likewise ordered my papers to be examined & an Officer took out of them two Indian deeds of Land given me in charge by Gentlemen here which he said would be returned but as yet have not.

The Commanding Officer at Fort Jefferson had orders not to let me speak to any one, but in his presence, nor to write to any person Except the General, To do him justice he treated me with much civility.

July 30 and 31—In confinement.

August 1—The Indians delivered a white Belt of Wampum, requesting I might be set at Liberty, the General gave for answer that I should in Two Days, however, the 2d, 3d, 4th, 5th, 6th elapsed but on the 7th the General wrote me a note saying I was at Liberty & in it invited me to dine with him, on the 8th I got a pass and set off and on the 15th arrived here

As I was not at any of the Councils but the first I can only Speak from the reports of the Indians and others who informed me that untill I was some days in Confinement the Indians who went out with me would neither consent to ratify the Muskingum Treaty nor give up their Claims to the disposal of their lands, nor I am sure ever would had I not been confined and deprived of giving them advice, but being intimidated by the threats of the General saying he would drive them back into the Sea if They did not acquiesce in his demands and seeing the other Nations (from fear and persuation of some of our Canadian & English Friends) Agree, They at last did the same prior to my being released.

The Treaty so far as I could learn was, that They confirmed the Muskingum Treaty and added to it all the Lands situated on the South side of the Miamis river. They sold six miles square near where Fort Miamis is situated, Twelve miles Square at and about were to be given up and such small Spots about them as the English had purchased, & They should have that matter cleared up, which they accordingly did next day, and it was then acknowledged to them that our government had not given over their Lands.

It was hinted at my Departure that very soon After a party of Americans were to come by Land to the spott purchased up the River of Raisin & take Post there, likewise at Sandusky, to Build a Fort.

I am with due respect
Sir,
Your Most Obedient
very Humble Servent,
[Jno. Askin, Jr.]

Colonel England
24 Aug:
Commandant of
Detroit & its Dependencais.

11-26

ACTION OF THE STATE OF MICHIGAN RELATING TO THE REMOVAL OF THE REMAINS OF GOVERNOR STEVENS T. MASON TO DETROIT.

JOURNAL OF THE SENATE.

MESSAGE FROM THE GOVERNOR.

The following message from the Governor was received and read:

Executive Office,
Lansing, May 18, 1905.

To the President of the Senate:

Sir—I desire to call the attention of the Legislature to some correspondence I have had relating to the removal of the remains of Governor Stevens T. Mason. It is the wish of the sister and daughter of Governor Mason that the city of Detroit be made the final resting place of their distinguished relative and I submit herewith a copy of a letter I addressed to Hon. George P. Codd, Mayor of Detroit, also a copy of his reply, together with a copy of the Mayor's message to the Common Council and the resolution adopted.

"Hon. George P. Codd, Mayor of Detroit, Detroit, Michigan :

Dear Mr. Codd—I enclose copies of letters relating to the removal of the remains of Governor Stevens T. Mason to the city of Detroit. I have thought of bringing the matter to the attention of the Legislature, but deemed it best to communicate with you before doing so. Should the city of Detroit make arrangements for the burial place, I shall send a message to the Legislature recommending the removal of the remains of Governor Mason by the State of Michigan to the city of Detroit.

Such action would, in my opinion be a just recognition of one whose services and record are historical in the early annals of our State.

Very respectfully

Fred M. Warner
Governor."

I would recommend that the Board of State Auditors be authorized to complete arrangements for the removal of the remains from the present burial place in New York city and for the interment of the remains in Detroit and if this action is taken it will be necessary to provide for the expense incurred.

Very respectfully,

Fred M. Warner
Governor.

May 18, 1905.—By unanimous consent Mr. Smith offered the following resolution:

Senate Resolution No. 58.

Whereas, Stevens Thomson Mason, the fourth Governor of the Territory and the first Governor of the State of Michigan, died outside of the State, and his remains have since reposed in the vault of a cemetery now near the center of the city of New York, which is about to be destroyed; and

Whereas, Governor Mason's patriotic services to the State, his tireless energy in behalf of her interests, and notably his great services in the establishment of and defending the interests of the now great University of Michigan in its infancy, and in projecting the development of her mineral wealth, and the maintenance of her integrity are inseparably connected with the history of the State of Michigan, and are a part of the foundation of her prosperity; and

Whereas, the Common Council of the city of Detroit has tendered for the reception of the remains of Governor Mason a lot in Capitol Park, the site of the old capitol building; therefore

Resolved by the Senate (the House of Representatives concurring), That the Legislature of the State of Michigan deems it eminently fitting that the mortal remains of Governor Mason should rest in the soil of the State he loved and served so well; and

Resolved, That the remains of Governor Mason be brought to Michigan at the time of the annual session of the Michigan Pioneer and Historical Society, June 7 and 8, 1905, and that the Governor is hereby authorized to appoint three Commissioners to arrange for the transfer and burial of the remains; and be it further

Resolved, That representatives of the family of former Governor Mason be invited to attend the ceremonies and that committees from the Senate and House of Representatives be appointed to act with a committee of the Common Council of the City of Detroit, in preparing suitable ceremonies; and be it further

Resolved, That the Board of State Auditors is hereby authorized to audit the expenses of transferring the remains, the traveling expenses of the members of Governor Mason's family and the members of the commission.

The resolution was adopted.

THE FIRST ELECTION AT DETROIT, JANUARY, 1799.

The following letter of Peter Audrain, clerk of the judges of election at the first election held at Detroit in 1799, recently discovered among the manuscript documents in the Public Library at Detroit, and now published for the first time, sheds a strong light upon the political and social conditions at Detroit in the last year of the eighteenth century, being the fourth year of American occupancy. From this letter it would appear, First, that the persons elected to the first general assembly of the Northwest Territory from Wayne County, were Chabert Joncaire (or Charles Chabert de Joncaire), Jacob Visgar, (also spelled Visger) and Oliver Wiswell.

Second, That Chabert at first declined to serve, but changed his mind and actually went to Cincinnati and served.

Third, That Oliver Wiswell was declared duly elected, but for some reason he failed to qualify, and did not serve.

From "Burnets notes" referred to in the text, chapter VII, followed by both Campbell and Farmer in their histories, Solomon Sibley did qualify and serve as a member of the assembly, but whether chosen at a special election, or appointed by the governor, or otherwise, we have not been able to ascertain. But he was not among the candidates, and was not voted for at the January election.

From this letter it may also be inferred that James May (to whom the letter is addressed) had been voted for and claimed to have been elected at the election in 1798, under the first proclamation of Gov. St. Clair, which apportioned Wayne County but one representative; and that he was then absent at Cincinnati to claim his election under that proclamation and election, and it would seem probable that the judges of election refused to receive votes for him on the ground that his claim to election under the first proclamation was inconsistent with his being a candidate under the second, which he claimed to be invalid. The issue at this election seems to have been principally between the Americans and the Frenchmen, as it is stated that shortly before the close of the election McNiff, one of the judges of election came out and advised the friends of Wiswell to go in search of more voters as "the Frenchmen were ahead."

The letter as a strictly contemporaneous account of the first, and for many years the only election in what now constitutes Michigan, it is a valuable historical document. The writer, Peter Audrain, was afterward clerk to the governor and judges of Michigan.

For the copy of the letter we are indebted to the courtesy of Henry M. Utley, librarian of the Detroit Public Library.

Detroit, 14th Jan'y, 1799.

Dear Sir:

I have the pleasure to inform you that your family is in a perfect state of health, and Mrs. May tolerably reconciled to her situation, as a temporary widow. Make yourself easy on her account, as she shall never want the assistance of a friend. I am sorry to have to inform you that your brother is not yet returned. We have done without him as well as we could. Your friends have received information that your name was to be run at this 2d election, and your opponents, Chabert and Visgar, have been alarmed, and used every means to counteract the good disposition of the people in your favor. The candidates mentioned yesterday were yourself, Chabert, Visgar, Wiswell, Louison Beaufait & I. Marie Beaubien. This morning the election opened at 11 o'clock at the house of John Dodemead. I went with Messrs. Beaufait & Voyez. Before the proclamation was made, the sheriff called in a private room Justices Ernest and McNiff with the three lawyers: Messrs. Brush, Freeman and Powers. "Vattell on the Laws of Nations" was sent for and brought in the room. After the consultation was ended, the election was proclaimed opened and Mr. Beaufait went forward to give in his vote. He was asked who he wished to vote for. He answered, "For James May and Louis Beaufait, his son." He was told that he could not vote for Mr. May, because he was gone to Cincinnati to contest the 1st election, and the name of his son was entered conditionally; that is, that unless Mr. Beaufait came and gave his vote for any other candidate but you, the name of his son should be erased. Mr. Beaufait said he would consider, and left the room, apparently very much hurt. What he will further do I cannot tell, but hardly presume that he will alter his mind. Messrs. Voyez & Girardin went in one after another and were treated in the same manner, but Mr. Girardin addressed Justice McNiff and requested a certificate of their refusal in writing; that was denied both by Mr. McNiff and the sheriff as unnecessary. At 1 o'clock the election was adjourned until 3. The names of voters for you and refused this morning are Justices Beaufait, Voyez, Girardin, Esqs. Hugh Callaghan, Fillis Labadie, Francois Chartier, John Wright, Jean Battiste Rocoutt, Isidore Pelletier, Phillis Pelletier, Battiste Pelletier, Meriche, Labadie, Dr. Heberts.

I must inform you that the inhabitants of River Rouge are

united to vote for you and Mr. Wiswell and have sent here Joseph Cisna as their agent to prepare the way. Old Cisna has been with me twice and is amazingly displeased with the judges and the sheriff for refusing to receive votes for you. He is gone back to River Rouge to acquaint his friends with the proceedings of the day and is to return to-morrow with them. The election is to be closed to-morrow at 4 o'clock p. m.

* * * * *

I am so surprised at the decision of the sheriff and the judges of the election (who are the same, with the two same clerks) that I am determined not to stir out at all; nor will I say a word to anybody; but I will as I think it my duty, inform the governor of every particular which shall come to my knowledge as a fact known, if the proceedings of the election are illegal or improper. His excellency will soon set them right. Remember what I have often told you, that the governor is a man of perfect integrity and possessed of the most extensive knowledge; lay grievances before him, with proper vouchers, and you shall have immediate justice. You now have in your power to judge for yourself.

Tuesday, 15th Jan'y.

The sheriff and judges of election met again yesterday about 3 o'clock p. m. but very few people attended, owing to the rainy weather which has prevailed here ever since Thursday evening last. The following electors offered their votes for you and were refused: Meriche, Labadie and Dr. Eberts.

I shall continue to set down as many votes as shall be refused for you as soon as I get knowledge of it. Not a single person has yet come from River Raisin, and many people are of opinion that the road is impracticable both by land and water. We had a light white frost last night and this morning the wind blew westerly. We all felt for you since the rainy weather began and sincerely wish you safe arrival with your friends and companions.

This morning the election was opened again at about 10 o'clock in the forenoon. Mr. Girardin went again and offered to vote for you a second time, but was again refused by the sheriff and judges of the election. He examined the entry of yesterday and to his great surprise found that the name he had given with yours had not been entered. He says he spoke his mind very freely to the gentlemen and he is determined to write to the governor on the subject. Messrs. Beaufait and Voyez did the same. They afterward voted for Louison Beaufait and Chabert.

This afternoon the inhabitants of River Rouge in a flock voted

for Mr. Wiswell and I believe Chabert. Capt. Marsac and Capt. Rivard came also with their people with full determination to vote for you, but being informed by Justices Beaufait and Voyez that all votes offered for you had and would be refused they all voted for Beaufait and Chabert. A great number of your friends hearing of what had passed yesterday did not come at all, and they say that they will complain to the governor whenever he comes here. In the course of this afternoon the judges of the election were heard saying that Chabert and Beaufait were not eligible on the ground that they had not full three years residence in the district, and that Visgar and Wiswell were eligible. As to Mr. Wiswell being American born, I have nothing to say about his being eligible in point of residence; the only doubt with me is whether he is qualified as to real property in this district; I know of none and none is recorded. As to Mr. Visgar, he has property, but he stands upon a par with you as to residence. He like you was living here when our troops took possession of this country. He was born in the United States, it is true, but Mr. Abbott informs me that he had taken the oath of allegience to the king of Great Britain.

I cannot discover upon what ground the sheriff and the judges of the election have taken upon themselves to decide that your name cannot be run at this second election, and what is more, to refuse votes when offered for you. My humble opinion is that they have no such right, and indeed that the only right they have is to judge of the right of electors to give their votes, and for this plain reason let us suppose that the governor should have directed the sheriff to take the votes by ballot, instead of viva voce, how could the sheriff and judges of election know who were the candidates? Would they have had in their power to refuse votes for you? Certainly not. Now is it to be presumed that they are vested with more power in one case than in the other? I think not, and I conceive that this nicety of right ought to be and is to be referred to the decision of the governor or of the general assembly. What report they shall make to the governor it is impossible for me to say; but I am assured that if the whole of their proceedings is fairly and impartially stated, as in justice it ought to be, the governor will not be satisfied. When his excellency ordered that verbal votes should be taken he meant to guard the poor ignorant Canadians against deception and insure them the noble privilege of freely giving their votes for whomever they should prefer; and that act of benevolence is sufficient to convince any open mind that the governor will and shall administer impartial justice.

At 4 o'clock the election was closed, but I am informed that about half an hour before Justice McNiff came out of the room and advised the friends of Wiswell to go in search of more voters for him or he should lose the election, as the Frenchmen were ahead. Old Cisna went about and brought a few whose names we shall find at the bottom of the list of voters. It appears to me that their wish is for Wiswell and Visgar. When the election was closed they had some difficulty in determining who were the fortunate candidates, and for this reason, that sometime previous to the close of the election Col. Chabert being in a private room with some gentlemen he was told that it was in vain his name was run, because he was not eligible as not having full three years residence. Chabert taking it for granted it was so, and knowing also that it was the opinion of the judges of the election, he went to the room of election and declared that he would not contend any longer and would not serve. Minutes of this declaration were taken by the judges. It is reported that Wiswell sent this morning a note to the judges informing them that he declined being a candidate. We shall see whether notes are taken by the judges. I shall inquire of the difficulties at the close of the election, and of what was said and done. The information I have now is so imperfect that I cannot trust to it. Bon soir.

Wednesday 16th.

I now set down to give you an account of the proceedings at the closing of the election. The candidates proclaimed to be highest in number are Wiswell and Visgar, as Col. Chabert has declined, and is not eligible, not having three years residence in the county. Visgar and Wiswell were there present and Visgar told the judges and sheriff that he would not go with Wiswell. He then asked them which candidate was highest in number of votes. They answered him that it was Col. Chabert. Visgar said he was willing to go with Col. Chabert. They then sent for Col. Chabert who was in an adjoining room and asked him whether he was willing to go with Visgar. He answered yes. Col. Chabert demanded then a certificate of his election and they answered him that they could not give it. They called for wine and thus the business ended. Previous to that Christian Clemens, a friend of Wiswell, asked the sheriff and judges why the name of Wiswell was left behind, being reported to be equal in number of votes to Visgar. The answer was that Visgar is an older resident than Wiswell. Some of the friends of Louis Beaufait, Jr., asked what number of votes he had, but could get no answer.

I have been this morning informed that McNiff came four times

to the street door and earnestly recommended to the friends of Wiswell to exert every nerve in their power to get more voters for him; whereupon old Cisna and Christian Clemens offered one hundred dollars for ten votes to several bystanders; this fact can be proved on oath.

Thursday, 17th.

Col. Chabert has paid me a visit and informed me that his friends insist upon his going to Cincinnati. He seems determined to go and I have reason to believe that his friends are taking the necessary measures to bear his expenses and they intend to address the governor on his account. I have been told that Askin and Meldrum have offered to advance the cash to be returned if he is admitted to his seat in the general assembly. Mr. Brush told me that Wiswell would not go to Cincinnati if Col. Chabert went; others say that he will go and leave this place on Saturday next.

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Col. Chabert will leave this Monday or Tuesday. If anything new occurs against his departure worth mentioning you shall have it.

I presume the sheriff is busy in writing to the governor and preparing his return; have not seen him since Monday last at the opening of the election. Indeed I have not been out since, except once or twice at your house, or across the street with my old friend Abbott. The old gentleman is better than I have seen him in a long time.

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No news yet of Wittmore Knags. Col. Hamtramck has not yet arrived.

Friday 18th.

This day the British are celebrating, in the house of Mr. Roe, the queen's birthday. I can hear the noise of the drum as the wind blows from that shore.

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Saturday 19th.

At 3 o'clock this afternoon the sheriff bro't & delivered me the original lists of voters, a copy of which I enclose you. I have not been able as yet to learn whether Wiswell goes to Cincinnati or no, to contest the election. Col. Chabert is fully determined to proceed on.

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Adieu. I have been very unwell this four days past. I can hardly sit, owing to a violent headache. May you have your health and meet with success in your undertaking is the sincere wish of

your humble serv't & sincere friend

PETER AUDRAIN

James May, Esq'r, Cincinnati.

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